

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

.....
TAMMY KITZMILLER; et al., ..

Plaintiffs ..

vs. ..

DOVER AREA SCHOOL DISTRICT, ..
et al., ..

Defendants ..
.....

CIVIL ACTION NO. 04-CV-2688

(JUDGE JONES)

Deposition of : JEFFREY ALLEN BROWN
Taken by : Defendants
Date : May 17, 2005, 10:00 a.m.
Before : Vicki L. Fox, RMR,
Reporter-Notary
Place : Two School Lane
Dover, Pennsylvania

APPEARANCES:

AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA
BY: MARY CATHERINE ROPER, ESQUIRE

For - Plaintiffs

THOMAS MORE LAW CENTER
BY: PATRICK T. GILLEN, ESQUIRE

For - Defendants

I N D E X

WITNESS

JEFFREY BROWNExamination

By Mr. Gillen

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By Ms. Roper

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EXHIBITS

(None marked.)

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STIPULATION

It is hereby stipulated by and between the respective parties that sealing, certification and filing are waived; and that all objections except as to the form of the question are reserved until the time of trial.

JEFFREY ALLEN BROWN, called as a witness, being duly sworn, was examined and testified, as follows:

BY MR. GILLEN:

Q. Good morning, Mr. Brown. My name is Pat Gillen. I am an attorney for the defendants in this action. I have introduced myself off the record. I want to do it now so you know my name. Please feel free to call me Pat throughout the deposition if you have any questions that we need to address.

As you know, this is the time and place that has been set for your deposition, which as I see it is simply just my chance to get your side of the story. Plainly, we have got a story that has developed here, and a controversy that has arisen from that.

This is my opportunity to get to ask you questions under oath and you respond. It can be used later as evidence in the case.

There's a few facets to this procedure which are sort of unusual. The first is that Vicki, our court

1 Similarly, I don't view the deposition process as
2 an opportunity to make you feel uncomfortable. If I am
3 asking a question that is making you feel uncomfortable,
4 please indicate that, and I will do my best to address
5 that your being uncomfortable to the extent I can
6 consistent with my duty to my clients.

7 I think that covers the general facets of this
8 procedure you need to know about upfront.

9 Have you been deposed before?

10 A. No.

11 Q. Would you please state your full name for the record?

12 A. Jeffrey Allen Brown.

13 Q. Current address?

14 A. 5401 Davidsburg Road, Dover, Pennsylvania 17315.

15 Q. Thank you very much. How would you like me to address
16 you?

17 A. I have no preferences. I don't care.

18 Q. May I use your first name?

19 A. I don't care.

20 Q. Are you currently employed?

21 A. I am self-employed.

22 Q. What do you do?

23 A. I am an electrician.

24 Q. Do you have a business under your name?

25 A. Brown's Electrical Service.

1 anymore so it didn't pertain to us anyway.

2 They did ask us if in our experience we felt they
3 were generally accurate. And both my wife and I said
4 yes.

5 Q. Did they go through specific quotes?

6 A. No.

7 Q. From the newspaper articles?

8 A. No, it was just general.

9 Q. How about anything that Mr. Rothschild and Chris
10 discussed with you on Sunday?

11 A. As I said, you know, they basically -- my wife and I
12 went over the timeline with them roughly. We didn't get
13 into a lot of specifics and details.

14 It was sort of like a warm-up, a prep, just to see
15 if we were doing anything wrong. We weren't really -- I
16 think we were mostly concerned. I have never been
17 deposed. She has been on a legal -- unrelated legal
18 matter while she was Board President. But we were just
19 basically going through to see what to expect and so on
20 and so forth. It did not get into specifics.

21 Q. Okay. You mentioned going through the timeline. Did
22 you create any document in preparation for your meeting
23 with them?

24 A. My wife created one that day. I didn't.

25 Q. What document did your wife create?

1 A. She brought it with her yesterday.

2 Q. Was it a seating chart?

3 A. Well, she did the seating chart that day for their
4 benefit. I guess -- I don't know. No. She had an
5 actual -- and believe me, it was rough because there
6 were a few areas where we were guessing as to the actual
7 dates.

8 They were all in the year 2004. There was no
9 question about that. But the actual month, especially
10 the actual days, there was some question on some of
11 them.

12 Q. Sure. That's fine. Just to make sure I am
13 understanding you correctly, it seems that your wife
14 created a document during that conversation that was a
15 rough timeline?

16 A. Of dates. And I am sure she brought it with her
17 yesterday. I don't know if you got a copy of it or not.

18 Q. I will check. It is probably not a matter of great
19 import.

20 A. It would have been covered in her -- all it was was
21 dates and places, nothing else.

22 Q. Okay. Anything else about your exchange with
23 Mr. Rothschild and Mr. Lowe that you can recall?

24 A. Nothing, no. I mean obviously, Chris's wife is having a
25 baby. Relevant nonsense like that. Nothing that I was

1 in any way germane. Maybe I am missing something. But
2 as I said, we did not get into specifics.

3 In fact, sometimes we veered toward specifics, and
4 he really kind of -- this isn't necessary. It was
5 really just sort of prepping us, that type of session.

6 Q. How long was the meeting?

7 A. About two hours. Since you have already deposed my
8 wife, you can guess why it took so long.

9 Q. You can ask Vicki to strike that later. Did they ask
10 any questions about statements made by other Board
11 members touching on religion?

12 A. Yes, that came up in a general sense. Nothing -- but
13 yes, in a general sense, there was questions. And that
14 is how we got on to the accuracy of the local reporters.

15 Q. Tell me to the extent you can recall what you told
16 Mr. Rothschild and Mr. Lowe on that very point.

17 A. I am glad you asked these questions. We did volunteer a
18 few things that did not happen in public session.
19 Specifically -- and you may have heard this yesterday,
20 but I will go over it again.

21 At one point as we were nearing the -- what's the
22 right word I am looking for here -- the culmination --
23 it's out there; I'll get it someday. Anyway, we're
24 getting near October 18th. In fact, it may have been
25 October 18th. I can't be certain it wasn't.

1 This was an executive session. This was not in
2 the public. I had stated that we could not -- how did I
3 put that? We could not endorse one religion over other
4 religions. And I said the only way we can take a stance
5 that is inherently religious is if we are willing to --
6 I said if we teach one, we have to teach them all.

7 And Heather Geesey, who is the current Board
8 Vice-President, looked me right in the eye and very
9 indignantly said we're not teaching other religions in
10 this school. That was one thing that I brought up.

11 I am saying we didn't talk about specifics. I
12 forgot.

13 Q. That's quite all right. It is natural for you to
14 remember more as I ask you questions.

15 A. There was another incident. We believe this was in
16 September. We're not positive. We are positive it was
17 the one meeting in 2004 -- we had one meeting in 2004 at
18 the high school. What we are positive is it was at that
19 meeting. So whichever date that was, that is when it
20 occurred.

21 My wife had suggested a world religions class to
22 address this issue. She stated again that we have to
23 teach, but we have to teach them all. And Alan Bonsell
24 said no, we don't.

25 And those were two specific instances that I

1 remember relating other than some of things that were
2 said at public meeting which were reported in the
3 newspapers and so on.

4 Q. Anything else you recall telling Mr. Rothschild or Chris
5 about statements by Board members touching on religious
6 matters on Sunday?

7 A. Those two stand out. Not off the top of my head at the
8 moment. As you said as we go through this, more may
9 come back to me.

10 Q. I appreciate that. Did you go over any documents
11 with --

12 A. No, no documents. We did not -- I again stand
13 corrected. My wife showed them her notes from the
14 curriculum committee meetings. He took a quick glance
15 at them, and he did not make copies. But she did show
16 them to him. And she made that seating chart for him,
17 too, which you have.

18 Q. How were those notes kept? Were they computer documents
19 that had been printed out?

20 A. I believe they were hand -- to be honest, I didn't look
21 at them myself. I think they were handwritten, but I am
22 not positive. And she was reading a few things from the
23 curriculum committee.

24 To be honest with you, I was out of the room for
25 part of that because I wasn't part of the curriculum

1 committee and knew for nothing about it.

2 We had gotten a phone call during the session, and
3 I took the phone call. So I don't know what all. But
4 basically my understanding is she was giving him
5 information, reading him information from those
6 meetings. Again, I was not present.

7 Q. Okay.

8 A. I wasn't present for the curriculum committee meetings.

9 Q. Apart from your discussions with Mr. Rothschild and
10 Chris on Sunday, have you spoken with anyone else other
11 than your wife in preparation for the deposition? Have
12 you checked with anyone?

13 A. Not really, no, no. I mean I have mentioned it to
14 people, but I haven't gotten any advice or anything like
15 that.

16 Q. Let me be more precise. Have you spoken with anyone for
17 the purpose of attempting to refresh your recollection
18 of the events?

19 A. No. No, I don't think so. Boy, I hate to say that with
20 such conviction because it almost seems like I should
21 have. Doesn't it? But I don't remember discussing.

22 I am not exactly sure who -- I did see Noel
23 Wenrich last night, and we discussed the upcoming
24 deposition, blah, blah, blah. But as far as refreshing
25 my memory, no, I don't think so.

1 common to both sexes for the purpose of excretion, and
2 we will leave it go at that.

3 Q. We will leave it go at that.

4 MS. ROPER: We don't need any more details about
5 that.

6 BY MR. GILLEN:

7 Q. Just to make sure I understand you, have you spoken with
8 Barrie Callahan?

9 A. No. God forbid!

10 Q. How about Fred Callahan?

11 A. No. Never in my life have I spoken to Fred. I have
12 spoken to Barrie, but not in a long time. And that was
13 strictly when I had to.

14 Q. When was the last time you spoke with Barrie Callahan?

15 A. I specifically recall the night I resigned. She came up
16 and hugged Casey and I both, and we both felt we needed
17 a bath afterwards. I can't absolutely say that I have
18 spoken to her since. If it was, it was nothing but mere
19 pleasantries. On one side at least, they were forced.

20 Q. I take it that was your side?

21 A. You may do so, yes.

22 Q. Just give me a sense for why is that. You obviously
23 have some reservations?

24 A. Barrie Callahan irritates me. We will leave it at that.
25 I used to refer to her as the fly. When she was the

1 sole remaining member of the old Board, I used to refer
2 to her -- not to her face obviously -- but as the fly
3 because she is irritating, but not dangerous.

4 When she was voted off the Board, I was not the
5 least bit sorry. But she came back to haunt us.

6 Q. That has come up in several of depositions. Let me get
7 your sense of that. There is a way in which Ms.
8 Callahan -- her conduct at the Board meetings after she
9 was off the Board might be described as that of a
10 gadfly.

11 Did you see her in those terms?

12 A. Yeah, as a gadfly. I will say this: Her points were
13 usually well taken. It wasn't Barrie's areas of
14 interest that I had a problem with. It was Barrie's
15 methods of conveying those areas of interest.

16 I found her extremely confrontational, and I don't
17 think I was alone in that.

18 Q. Viewing her from your perspective as a Board member, did
19 you see her as somewhat politically motivated when she
20 was engaging the Board after she was no longer a Board
21 member herself?

22 A. It was my opinion she had some axes to grind. It is
23 just an opinion. I will say this: The areas in which
24 she showed interest were areas that would be of interest
25 to any parent with children in the school, which is

1 indeed the case with Barrie Callahan.

2 Again, we go back to methods. And there I would
3 say she was somewhat political, yes.

4 Q. In your capacity as a Board member when she sort of
5 approached the Board and given this kind of way that she
6 projected herself, or addressed, communicated her
7 concerns, what was your attitude towards her? Did you
8 have a sense of it is Barrie again?

9 A. That's about literally correct. It was more like oh,
10 God, here she comes again. But I never said it. This
11 was just what I thought. I tried to be polite.

12 In fact, her last year on the Board, I
13 specifically requested to be seated next to Barrie. Not
14 because I wanted to be, but because I was probably the
15 Board member best able to sit next to her without
16 resorting to physical violence. And I did so.

17 Believe me, this was taking one for the team when
18 I told them that. But literally it was getting to the
19 point where people were like get me away from that
20 woman. And finally, I said fine, put me next to her.
21 And I did. I did my duty.

22 Q. And let me ask you about that because I have deposed
23 Mrs. Callahan so I know there was no physical violence
24 literally.

25 A. None, whatsoever.

1 Q. But I do have the sense that there was some sort of
2 friction between Mrs. Callahan as the last remaining
3 member of the Board and those who came onto the Board as
4 a result of the election which displaced many of Barrie
5 Callahan's old sort of shall we say allies on the Board;
6 is that accurate?

7 A. Yes. She was pretty much odd person out. Oddly enough,
8 I remember siding with her on two different issues, but
9 don't hold it against me. I thought she was actually
10 right so I stuck with her.

11 Q. And in this situation she found herself in as the sort
12 of sole remaining member, do you feel -- and again, I am
13 asking for your opinion kind of as a Board member who
14 participated in the Board deliberations -- that there
15 was some tension, sort of personal tension between
16 Mrs. Callahan and the other members of the Board?

17 A. Whether it was personal, I cannot say. There was
18 tension. It could have been purely political. I am not
19 going out on a limb and say personal.

20 Q. Actually, your answer helps me clarify the question. I
21 am not after the personal dimension of the relationship.

22 A. To be honest with you, I am not aware of any personal
23 issues. There were political differences definitely.

24 Q. And that is fair, and more of what I am trying to get
25 at. Political differences, are you referring to

1 political differences touching on Board matters?

2 A. Yes.

3 Q. If you had to describe the nature of those political
4 differences, how would you just in general? Was it
5 fiscal responsibility versus a more liberal spending
6 attitude?

7 A. We saw it that way. I doubt that she would use those
8 terms, and she would probably be right. An awful lot of
9 times on School Boards, there is a question of we can
10 spend "x" amount of dollars to achieve "y" amount of
11 results. And two people can look at those "y" results,
12 and one will see them as being worth "x" number of
13 dollars, and the other person will not. There's no hard
14 and fast formula for it. That's where political
15 differences do come into play.

16 Q. Looking back on your tenure with the Board, did you
17 pretty much see the differences between Mrs. Callahan
18 and the other Board members in those terms?

19 A. I felt they interpreted "y" more liberally than I did.
20 They would see more value in what the money was buying
21 than I was inclined to see. I am not going to tell you
22 it was right. I don't know.

23 Q. Who is the they you are referring to there; is it
24 Mrs. Callahan?

25 A. In this case -- beginning with my time on the Board, it

1 would have been five Board members Mrs. Callahan, Larry
2 Snook, Lonnie Langione, Shirley Harnish, who was then
3 the Board President, and Barrie was the Board
4 Vice-President and Roger Murphy.

5 Both Roger and Shirley declined to run four years
6 ago. At that point, our group got control of the Board.
7 Our group consisted at that time of -- well, the four
8 who ran four years ago were Sheila Harkins, Alan Bonsell
9 my wife and Angie Yingling. I was already on the Board.

10 Q. Right.

11 A. At that point after that election, then they would have
12 consisted of Larry Snook and Lonnie Langione and Barrie
13 Callahan.

14 Q. Which would be the Board members who remained on the
15 Board?

16 A. Right, from the old. And when was that? In 2003,
17 Mr. Snook and Mr. Langione both resigned. At that
18 point, yes, from that point on, I think it was January
19 of 2003, from that point forward, Barrie was the sole
20 remaining member.

21 The friction had been there prior to that. But at
22 that point, it basically became her baby. It would
23 probably seem more personal from that point on because
24 it was directed at one person. But it wasn't -- I don't
25 think it was personal. It was just there was only one

1 person from that faction left, so gee.

2 Q. I do understand you now. Speaking of other notable
3 personalities, I want to get your sense for Trudy
4 Peterman.

5 A. Okay. I have had very few dealings with Trudy Peterman.

6 Q. Right.

7 A. She did address the Board on at least two occasions in a
8 highly confrontational manner, which is within her
9 rights, but it's not really common practice. It is not
10 normal for an administrator to address the Board in a
11 confrontational manner.

12 There is no law against it. And we never
13 suggested any kind of punitive actions based on this,
14 but we were rather shocked when it happened because it
15 was not normal procedure for administrators to do that.

16 Q. Can you recall the subject matter of her discourse on
17 these two occasions?

18 A. The first time -- and I could even track down the date
19 for you because it happened up at Kralltown Elementary
20 which we only visited once a year, but I don't know that
21 the date is really that important. Anyway, I don't know
22 it.

23 The first time it concerned the upcoming building
24 project. And to be honest, I thought she had an
25 excellent point, but I thought her manner of presenting

1 it could have used some diplomatic work.

2 And following -- the following day, I stopped in
3 to see her in the afternoon when I finished work, and I
4 was informed she was in conference with someone. I said
5 well, I'll wait. The secretary came out and said you
6 may as well go in because she is in conference with Alan
7 Bonsell, who also stopped in to basically tell her the
8 same thing.

9 Q. Which was?

10 A. Which was we don't have a problem with you when you have
11 problems. We want to know what they are. But please,
12 please, please don't do this to us in public.

13 I remember saying to her specifically politics is
14 my sandbox. Please stay out of it. Don't play
15 political games. And I felt that she was grandstanding.
16 I thought she was playing to the galleries.

17 And both Alan and I came out of there feeling that
18 she understood what we were saying, that we wanted to
19 hear her objections. We were not trying to muzzle her
20 in any way, but that we would prefer she do so through
21 more I guess back channels is the best way. That is
22 normally the way we get complaints from administrators.

23 The public can come in out and chew us out. They
24 are entitled. They are the taxpayers. We are working
25 for them. The administrators technically are working

1 for the School Board, and we would like to be chewed out
2 in private. Thank you very much.

3 Q. You like to receive your feedback in a confidential way?

4 A. Yes. The second was -- and I am not positive this is
5 the second because it's sort of sticking in my mind
6 there may have been one in between there, but I am not
7 sure. If it was, it again concerned the building
8 project.

9 Certainly, the last -- the most recent one we had
10 a football coach who had instituted a very strict policy
11 for his football players. If they were arrested, not
12 convicted, arrested for any alcohol or drug violations,
13 they were off the team immediately.

14 If it eventually turned out that they were not
15 convicted, they would be reinstated. Otherwise, they
16 were off the team.

17 We applauded that policy incidentally; although, I
18 was a little shaky on the arrested, but not convicted
19 part of it.

20 He was celebrating his birthday, and apparently
21 celebrating it a bit too strenuously, and he rolled his
22 vehicle over in someone's yard narrowly missing hitting
23 their house. And he was taken to the hospital for a
24 blood test, and he was well over the legal limit.

25 Q. This is the coach?

1 A. This was the coach. The Board did nothing. We waited
2 until he pleaded. We did not hold him to his own
3 standard of arrested. We waited until he pleaded.

4 He pleaded guilty, and at that point we informed
5 him we wanted him to step down as a show -- actually the
6 policy wasn't that they were off the team, they were off
7 the team for one year. And we told him we wanted him to
8 step down for one year. And he refused.

9 He solicited the support of the parents of players
10 to come in and give testimonials in his behalf, and we
11 did not back down. We refused to -- we essentially
12 stripped him of his coaching job.

13 And during that meeting -- and it was very heated
14 -- and on the advice of our legal counsel, we did not
15 discuss our reasons for doing so. We simply took a vote
16 to remove. We had talked to him in private in executive
17 session, but we did not -- you know, I may be violating
18 something here. I am quoting executive session. This
19 was actually the purpose of the executive session.

20 Anyway, we did not discuss it in public. We
21 simply let the public have their say, and then we took
22 our vote.

23 Mrs. Peterman spoke out in his behalf at that
24 point. I remember my wife, who had been very much a
25 champion of Mrs. Peterman, and when Mrs. Peterman got

1 up, she went oh, no under her breath. It was like she
2 had been defending the woman, and that broke the straw
3 as far as a personal thing.

4 And Mrs. Peterman defended him again in a rather
5 lofty oratorical style, and it did not influence
6 anybody's votes. It was eight to one.

7 Q. Did you see her championing of the coach's cause as
8 grandstanding as you described it?

9 A. I felt it was very inappropriate. She knew our reasons.

10 Q. Did you see it as a sort of -- what shall I say -- an
11 attack on the Board's position that was --

12 A. No, I didn't. I didn't. I saw it as her -- he was one
13 of her teachers. She was defending him, but I thought
14 she went above and beyond the call of duty. I did not
15 see it as an attack on the Board, but that's just my
16 opinion.

17 Q. And that's fine. I just want to get a sense for why
18 that sticks out as inappropriate or not --

19 A. The tone. Again, the tone. A Principal could come up
20 to the podium and very quietly state that this coach has
21 served under me. They could do a character reference in
22 a quiet, noninflammatory manner, and I wouldn't have
23 had -- her rhetoric was heated. It was a bit colorful.
24 She was again playing to the galleries.

25 Q. Do you recall her pounding the podium or anything like

1 that?

2 A. No, not quite that. She didn't take her shoe off or
3 anything. There's a world of difference -- you know,
4 when I start using words like oratory and rhetoric, I am
5 not talking about normal conversational tones, which is
6 normally the tone of voice that administrators address
7 the Board in.

8 Some of them are quite forceful. Some of them are
9 quite eloquent, but I would not call it rhetoric or
10 oratory. In Mrs. Peterman's case, I would.

11 Q. You have given me two incidents. I just want to ask you
12 any others that have come to mind as we have spoken
13 about this?

14 A. No, no. As I said, there may have been a second speech
15 regarding the building project, but I'm not sure. The
16 more I think about it, the less sure I am. So probably
17 it was just that one.

18 Q. That's fine. In connection with the coach and her
19 advocating the coach's cause, you said he was her
20 teacher, and she was --

21 A. He worked under her.

22 Q. If you look at your impression of Dr. Peterman as a
23 Board member over her tenure, do you have a sense that
24 Dr. Peterman saw herself as a champion for her teachers?

25 A. I believe she considered that part of her job, yes. She

1 was an advocate for her teachers and their views and
2 their needs.

3 Q. And advocate vis-a-vis the administration and Board or
4 one or both?

5 A. I think she just viewed it as part of a Principal's job.
6 In one sense, it is. What I would question more than
7 anything else is her methods.

8 Q. Sure. When is the last time you spoke with Dr.
9 Peterman?

10 A. I couldn't tell you.

11 Q. Not since she left Dover?

12 A. Certainly not, no.

13 Q. Just let me go through a few more names to get a sense
14 for whether you spoke with them in preparation for the
15 deposition. I think I know, but I just want to check.

16 There's the other plaintiffs in the action Christy
17 Rehm, have you spoken with her?

18 A. She came up to me after the debate, which was the first
19 time I ever met her, and said she thought I did a good
20 job, but she was still voting for her husband. That is
21 the entirety of our conversation in my entire lifetime.

22 Q. I take it you did not take offense?

23 A. No. I would have been shocked if she said anything
24 else.

25 Q. How about her husband Bryan Rehm, have you spoken with

1 Q. You were in the restaurant?

2 A. Actually, we went outside.

3 Q. It is your understanding that person attends
4 Mr. Bonsell's church?

5 A. That is what he told me. The other person is an employe
6 of this District -- I will leave it at that -- and also
7 attends Mr. Bonsell's church.

8 He talked to my wife, and she reported to me. I
9 said small world, and then I passed on that I had heard
10 the same thing from a different source.

11 Q. The person who took you aside at the 74 Restaurant, is
12 it your understanding that he attends Mr. Bonsell's
13 church?

14 A. He told me he did. And this person who talked to my
15 wife said the same thing; he attended the church and
16 heard it.

17 Q. Let's see. I think that was spoken with Angie Yingling.
18 We have talked about Noel Wenrich.

19 Have you spoken with Jane Cleaver?

20 A. No.

21 Q. How about the former faction, Larry Langione (sic), have
22 you had any discussions with him?

23 A. I have had discussions with Larry Snook. Larry and I
24 used to seat beside each other, and we agreed to
25 disagree. We were the friendliest of enemies.

1 I have had several discussions on the subject,
2 what it might mean to the District with Mr. Snook. Some
3 at Board meetings, during the recesses, some over the
4 telephone.

5 Q. During those conversations, what have you told Mr. Snook
6 to the extent you can recall it?

7 A. We generally discussed possible long term consequences
8 to the District. We did not get into personalities by
9 and large.

10 Q. By long term consequences, what were you getting at,
11 Jeff?

12 A. I have a very strong fear that this District is going to
13 get the kind of reputation -- parents who want their
14 kids to go to the best schools are not going to want a
15 diploma from this District.

16 I am deathly afraid we are going to start losing
17 our best and brightest, and I don't think they are going
18 to be replaced. Because I cannot imagine anyone who
19 wants to get their kid into a better college wanting a
20 diploma from Dover. We are now right up there with
21 Dayton, Tennessee, heavenly Hillsborough from *Inherent*
22 *The Wind*.

23 I hope I am wrong, but it is my fear. That could
24 have ramifications on property values, which is going to
25 affect everybody in the District. It could affect us

1 under No Child Left Behind. If our average test scores
2 start going down, penalties start kicking in, it starts
3 hitting everybody in the pocketbook. So we have had
4 several discussions on that subject.

5 And Mr. Snook and I did not argue with each other.
6 I will put it that way.

7 Q. In terms again of the long term consequences as you see
8 them, any others that you have discussed with Mr. Snook?

9 A. Difficulty in retaining teachers, administrators, again,
10 the effect on morale. But we didn't cite specific
11 teachers or specify administrators. We just said it
12 could be a real -- Mr. Snook was on the Board for like
13 12 years. So he is pretty, you know.

14 Q. And during those conversations, anything else in terms
15 of long term consequences?

16 A. Nothing comes to mind.

17 Q. Anything else in general that you discussed with Mr. --

18 A. We also discussed -- I'm sorry. I guess this
19 qualifies -- this is actually my opinion -- as a short
20 term consequence. If we would lose the lawsuit -- and
21 believe me, I am not disparaging your firm's legal
22 skills here --

23 Q. No offense taken.

24 A. -- but somebody always loses the lawsuit. It is like
25 playing baseball. You come to win; sometimes you don't.

1 opinion of Mrs. Harkins is extremely low.

2 Q. I understand that. It seems like there is an intense
3 political controversy here.

4 A. Well, it actually predated her joining the Board.

5 Q. Okay. In terms of comments that touch on the issues in
6 this case, the biology text or biology curriculum
7 change.

8 A. Okay. On that, no. I just did remember one thing he
9 did say concerning Mrs. Harkins. This was before she
10 was on the Board. It is amazing what you jog when you
11 start talking.

12 Mrs. Harkins had come before the Board prior to
13 her election as a Board member, which you know. She
14 wanted a property tax exemption for a piece of land that
15 she owned. And for whatever reason, the Board did not
16 give it to her.

17 And she made the statement according to Mr. Snook
18 -- I wasn't on the Board then -- she made the statement
19 that she was going to run for the Board and get her
20 revenge. This, again, is Mr. Snook's recollection. I
21 was not present when this incident occurred.

22 And he brought that up. And I remember saying
23 well, she's found a novel way to do so.

24 Q. Let me ask you: Now at some of these Board meetings,
25 too, Mr. Snook is in the audience, and he is offering

1 his criticisms of the Board.

2 Did you see those in much the same light as you
3 saw Mrs. Callahan's comments?

4 A. They were political, but what a world of difference in
5 style. I am sorry, but style matters. I found this out
6 over the years.

7 I can get away with a lot of things because of the
8 way I say it. And Mr. Snook has apparently learned this
9 as well.

10 But yes, he had -- I viewed Mr. Snook as having
11 certain political axes to grind on occasion.

12 Q. How about Lonny Langione, have you had discussed with
13 him?

14 A. Not about -- no. I have said hi to him a few times
15 since then.

16 Q. No discussion of the litigation?

17 A. No. Nothing, no. The only one of those from that group
18 that I have had any real conversations with have been
19 Mr. Snook.

20 Q. Was Mr. Langione also someone who was in the public
21 portion of the Board meetings after he was displaced
22 from the Board?

23 A. Not nearly so much. He attended a few meetings, but not
24 nearly to the extent that Mr. Snook and Mrs. Callahan
25 did.

1 Q. When he did attend, did he attend in the company, or did
2 he keep company with Barrie Callahan?

3 A. Yes.

4 Q. And Mr. Snook?

5 A. I think so. I shouldn't even say that he definitely
6 did. I didn't really look. I assume he would since
7 they have all known each other for a long time. But to
8 be honest, I don't really know.

9 Q. How about the science teachers? And, again, I am just
10 trying to -- let' look at some discussions since you
11 stepped down from the Board.

12 Have you spoken with any of the science teachers
13 about the biology text or biology curriculum?

14 A. I made a comment to Bert Spahr at the one public
15 meeting. She was sitting behind me, and somebody
16 asked -- I think I remember her response. I am trying
17 to remember what provoked it.

18 Somebody said something about why does the Board
19 think you are so opposed to Intelligent Design? And I
20 told her they apparently think I am in a huge hurry to
21 get to hell. She thought that was humorous. That is
22 pretty much the extent of my conversation with Bert
23 Spahr.

24 Q. Okay. I could see why she would be amused. What
25 underlies that, Jeff?

1 Q. You know why you are here, Jeff. You were on the Board.
2 When did you first get on the Dover Area School District
3 School Board?

4 A. 1989.

5 Q. What brought you out to serve on the Board?

6 A. The horror stories my wife kept bringing home.

7 Q. Go ahead. Elaborate. What were the concerns?

8 A. Those were the days when the other faction was running
9 things. We had a different Superintendent. And quite
10 frankly, some of his actions struck me as highly
11 suspicious. In the sense that I mean it was difficult
12 to understand some of his actions without attributing
13 financial chicanery.

14 I began to suspect the man might be guilty of
15 criminal actions. And believe me, if I could prove any
16 of that, he would have been led away in handcuffs a long
17 time ago.

18 Q. So you had a concern for fiscal responsibility generally
19 speaking?

20 A. Right, yes. I felt that things were being done in a
21 very high handed and suspicious manner based on what she
22 was telling me was happening, both at the Board meetings
23 and behind the scenes.

24 Q. All right. Now was that an election? Were you elected
25 to the Board?

1 A. Yes.

2 Q. Or appointed?

3 A. They would have never appointed me.

4 Q. Were there any other issues that your wife discussed
5 with you that led you to --

6 A. She discussed other issues, but those were the ones that
7 got me really -- got me interested. I shouldn't even
8 say interested. More and more, I was convinced that
9 somebody had to do something.

10 But my wife never, never asked me to run for the
11 Board or even suggested that I run for the Board. She
12 was aware that Alan Bonsell's father Don Bonsell, who
13 was then on the Board, was twisting my arm pretty much
14 out of the socket to get me to run.

15 I only found out why later. Don had been her
16 political ally while he was on the Board. He wanted to
17 leave the Board and run for Township supervisor, which
18 he is now a Township supervisor.

19 My wife forced him to promise her that he would
20 get someone to replace him, little dreaming that it
21 would be her own husband. I suspect he was twisting
22 other people's arms, but mine apparently twisted out of
23 the socket easier than anybody else's, partially because
24 I was already prepped for it by all the horror stories I
25 had heard.

1 It was actually Don Bonsell more than anyone else
2 who really convinced me that I should run for the Board.

3 Q. When Don Bonsell urged you to run, was he also concerned
4 with the fiscal responsibility?

5 A. Right, yes.

6 Q. Did you run with other people when you --

7 A. No. I met Noel Wenrich, who was also running for the
8 Board that time. In fact, Noel inadvertently had a lot
9 to do with my deciding to run.

10 I was very apprehensive about the idea of a
11 husband/wife team on the School Board. I thought it
12 looked a little odd. And at the time, there were five
13 seats open. Don Bonsell was not running for his.

14 So I am looking at it like if I run, even if
15 people don't like the idea of a husband and wife team,
16 they really don't have much choice.

17 This person named Noel Wenrich, we weren't even
18 sure if it was a man or a woman with a name like
19 N-o-e-l. I filed, and I was like now I can run because
20 now if people don't want a husband and wife team, they
21 have another choice. They don't have to vote for me.

22 I try to be considerate of voters when it is
23 possible. I am serious. I am not making this up. That
24 really pushed me. It was like I didn't feel like I was
25 forcing myself on the voters at that point. It was like

1 if they don't want me, they don't have to vote for me.

2 But at this point, I didn't know anything about
3 Noel Wenrich, other than male or female, they were
4 running for the Board, and that was good enough for me.

5 I met him on Election Day. We had both taken off
6 work that day and put on our suits and ties. And I made
7 a little button. It was my total campaign expenditure.
8 It said Jeff Brown, School Director. I made it myself
9 so it didn't cost me anything.

10 We met shaking hands in front of there. And we
11 sort of -- I had seen the Voter's Guide. They covered
12 the election in the local papers because it was
13 contested theoretically.

14 And I felt we had some things in common. We hit
15 it off and ended up going from polling place to polling
16 place together. I got my mother to vote for him, and he
17 got his mother to vote for me. It just worked out that
18 way. So that was sort of in a round about way. But the
19 truth of the matter is no, it was just an ad hoc thing.

20 Q. What is the term?

21 A. Four years.

22 Q. A four-year term. So you served more than one term?

23 A. Right.

24 Q. So that means you ran again in what?

25 A. 2003. At which point, I endorsed and was endorsed by

1 Bill Buckingham. We will get him out there front and
2 center. Jane Cleaver, Noel Wenrich, and that's it.

3 I endorsed, but was not endorsed by Heather
4 Geesey. I campaigned for all of them. And all of them
5 except for Heather campaigned for me.

6 And that was another situation. We had five
7 people running -- six people running for five seats.
8 And the reason that I endorsed Heather Geesey was purely
9 Machiavellian. That sixth candidate was Barrie
10 Callahan, and I figured my endorsement might be worth
11 something. Apparently, it was.

12 Q. I see. Was it Heather who unseated Barrie Callahan?

13 A. Technically in the sense that the other four were on the
14 Board. Bill Buckingham and Jane Cleaver had been
15 appointed to fill the seats that Larry Snook and Lonny
16 Langione resigned. They were already on the Board;
17 although, they had never been elected.

18 Q. Who appointed them?

19 A. The Board, the remaining Board.

20 Q. That would be the Board as constituted at the time that
21 Mr. Snook --

22 A. That would have been Casey and I, Sheila Harkins, Alan
23 Bonsell, Angie Yingling and Barrie Callahan. And I
24 missed somebody. Did I miss Noel Wenrich?

25 Q. You did.

1 A. Okay. That is who appointed them.

2 Q. In the 1999 election, was there any issue as you saw it
3 that dominated that election?

4 A. Yeah, me. Seriously. For whatever reason, nobody else
5 wanted to talk to the press. And I didn't have a
6 problem talking to the press. They would do an article
7 on the Dover School Board, and this much of it was about
8 the other five candidates, and the rest was all me. I
9 don't know why. They wouldn't talk.

10 I just came out swinging. I thought I am going to
11 have fun. If I don't get elected, I am going to have
12 fun. And then people started -- the opposition started
13 saying that this husband and wife team, this was
14 horrible. Basically all about me in 1999. Never was
15 again us. Just that once.

16 Q. How about in 2003, did you have a sense there was any
17 issue that dominated that election?

18 A. Basically, what we were running on was what we had done
19 so far. Four years ago, there were a total of eight
20 candidates for four offices. The four candidates that I
21 had endorsed -- Casey was one of the four candidates --
22 they got 70 percent of the vote.

23 The issue then was the building project. The old
24 Board had put together a building project that included
25 a new auditorium. And we took the position that we did

1 not need a new auditorium for three and a half million
2 dollars. In this District, that is a lot of millage.

3 We ran against their building project. We said we
4 could do it a lot cheaper and still get the same
5 educational results because silly me, I don't think an
6 auditorium has that much educational value. And we were
7 elected.

8 And when we ran in 2003, we were essentially
9 running on the strength of the building project we had
10 done. But basically we said it, we said we could do, we
11 did it, here it is.

12 It was essentially a put them back in office,
13 folks, they are doing a good job kind of campaign. And
14 we had no real opposition.

15 Barrie ran for reasons I don't understand. She
16 had been marginalized so much on the Board by then, just
17 basically because she didn't agree with us on most major
18 issues. For her to run alone like that never made any
19 sense to me. I don't know what she thought she was
20 going to accomplish. Nobody ran with her.

21 Q. Since you have been on the Board, Jeff, have you been on
22 the curriculum committee?

23 A. No.

24 Q. If we look at your tenure on the Board in general, and
25 then obviously there's some sense in which religion has

1 some interplay here with these issues as seen from the
2 perspectives of all of the participants, let's look at
3 your tenure on the Board and look for issues that speak
4 to religion, religion in the schools, the Pledge.

5 Let's go through those. Tell me, first of all,
6 sitting her today and looking back at our tenure as a
7 Board member, did you see a number of issues come before
8 the Board that you believe had religious dimensions?

9 A. Yes.

10 Q. Tell me what they were.

11 A. You just mentioned the Pledge and Intelligent Design.
12 Those two.

13 Q. You know, Jeff, let me ask you: Was there any prayer in
14 the schools issue during your tenure?

15 A. Officially, no. In public meetings, no. In private
16 conversations, yes. It was brought up several times.

17 Q. I thank you for your full answer because that is what I
18 want to learn about today. Let's look at just that
19 general issue of prayer in the schools.

20 You said there was no public discussion about that
21 issue by the Board?

22 A. No, none.

23 Q. Apparently, there was some private conversation?

24 A. Yes.

25 Q. I take it it was a conversation among Board members?

1 A. Yes.

2 Q. Tell me what you can recall about that.

3 A. Okay. Heather Geesey, Alan Bonsell, Jane Cleaver, Bill
4 Buckingham all stated with varying degrees of
5 forcefulness and conviction that they believed taking
6 prayer out of school was a mistake and that it had
7 caused -- they attributed an awful lot of problems to
8 its absence that I don't necessarily agree it caused.
9 But that is just opinion.

10 And again, all those I mentioned I know for a fact
11 discussed the subject. There are degrees within that.

12 Q. Let me ask you to get a little more detail. Are you
13 referencing statements all made at one time as part of
14 one conversation, or were there --

15 A. Pretty much. I think there were two separate
16 conversations, but it was basically, yeah, pretty much
17 people were chiming in and adding their \$0.02 worth.

18 Q. How did it come up?

19 A. That, I can't remember. I really cannot remember what
20 brought it up in the first place, but I do know it took
21 place at least twice.

22 Q. Sure. Tell me on these two separate occasions, the
23 first one, when was that about?

24 A. That would have been last year during -- it was after
25 the -- I shouldn't even say -- the truth of the matter

1 is the Intelligent Design issue morphed into an
2 Intelligent Design issue. It began as Creationism.

3 It was somewhere after that period -- you know,
4 the first thing to come up was the Pledge of Allegiance.
5 That came up in November of 2003. I remember it very
6 specifically because it came up the night before
7 election.

8 We got our Board packets on -- we have our
9 meetings on a Monday. The Thursday before that, our
10 Board packets are hand delivered to us so that we have
11 time to review the materials and prepare.

12 And I am going through my Board packet on
13 Thursday, and here is this thing about a motion to make
14 a statement supporting keeping the Pledge of Allegiance
15 in the -- keeping the phrase under God in the Pledge of
16 Allegiance, which was before the Supreme Court at that
17 time.

18 It didn't sit right with me. For one thing, I was
19 like why are we even doing this? I shouldn't say it
20 came up that day. It actually came up the meeting
21 before that. Larry Snook had suggested we do just this
22 thing in a public meeting.

23 The entire Board sat there like an oil painting,
24 and it died without a comment. And I came home and said
25 well, thank goodness, they didn't take the bait on that.

1 Larry is obviously up to something.

2 I have since given him credit for driving me off
3 the Board. I said Larry, you succeeded beyond your
4 wildest dream. Because in a round about way, that kind
5 of started this whole ball rolling.

6 But when we got our Board packets for the
7 following -- that would have been the last meeting in
8 October.

9 Q. Okay.

10 A. The Board packets for the first meeting in November,
11 this issue is in there. I am like why are we even
12 sticking our noses in this? It bothered me. I wasn't
13 even sure why. Why are we doing what Larry Snook wants
14 us to do anyway?

15 All right. Here is where I have to get mawkish or
16 maudlin or something. It bothered me, and I wasn't sure
17 why. And I woke up that Sunday morning, and I had the
18 phrase one nation under Allah going through my head.
19 And I am like what?

20 I teach Sunday school that day. This is a great
21 thing to wake up to when you are teaching Sunday school
22 that day. I couldn't get rid of it. I am like where is
23 this coming from? What is this good for? What is this
24 higher being trying to tell me? That I have been
25 working for the wrong side all these years.

1 I mean it really bothered me. And that afternoon
2 I am like you idiot. You're always telling your Sunday
3 school class when in doubt, go to the Golden Rule.

4 Well, would I want to stand up there and say one
5 nation under Allah? I don't think I would. Thanks
6 buddy. So this is where I came from.

7 When this came up that Monday night the day before
8 election, I stated I could not support the resolution
9 because as I interpreted the Golden Rule, since I would
10 not want to say one nation under Allah, I did not want
11 to be in a position of telling other people they should
12 have to say one nation under God.

13 And the roof fell in because nobody heard the part
14 about the Golden Rule, but everybody heard one nation
15 under Allah. And Mr. Buckingham came out of his chair
16 and made the statement that this is a nation founded by
17 Christians for Christians of Christians, and anybody who
18 doesn't like it can go back where they came from.

19 And I am like Bill, Bill, that isn't -- wow, could
20 we go back here? Even the newspaper reporter missed the
21 Golden Rule. I don't know what happened to the Golden
22 Rule. It got eaten in the process.

23 I got a front page above the fold on Election Day
24 as the one nation under Allah candidate. I am amazed I
25 won that election. Thank God it came out in the evening

1 paper and not the morning paper because I think it would
2 have been Barrie would be back on the Board, and I would
3 be a footnote in history. We wouldn't be sitting here.

4 Q. Let's talk about that. I want to get a sense for the
5 exchange among Board members relating to the issue of
6 the Pledge.

7 You recall the statement attributed to
8 Mr. Buckingham?

9 A. Yes, I do, very vividly.

10 Q. I could see that. How about any of the other Board
11 members, did they speak to that? Alan Bonsell, did he
12 speak to the Pledge?

13 A. I don't remember anyone off the top of my head except
14 Mr. Buckingham. There were comments -- we had
15 discussion -- because we did not vote on it that night,
16 we were supposed to, but Casey I guess feeling
17 protective moved that since we normally do not vote in
18 our first meeting, that is called our planning meeting
19 --

20 We have occasionally voted sometimes when we are
21 under a deadline. Obviously, if we had a disciplinary
22 hearing, we have a very short window. But normally, we
23 don't vote on issues in that meeting. We do it the
24 following meeting. She cited procedure and moved it
25 back a week.

1 All it did was continue the Chinese water torture
2 because I wasn't backing down. When I get a message
3 from on high, I even talked to my minister about it.
4 She said do you believe this is really what God -- I
5 said yeah.

6 She said if you ask for help, and you feel you got
7 it, you better go with it. So I took my stand of saying
8 sorry, God. We got to take you out of the Pledge, and
9 it is your own fault. You should have a talk with your
10 son.

11 I know I am being flip. I have to. I get maudlin
12 and mawkish there for a minute. That makes me
13 uncomfortable. So during that week, there were
14 discussions in private with me. I know Alan was stunned
15 by my reaction. He couldn't understand it.

16 He tried very hard, but I will say he tried in a
17 friendly, nonconfrontational manner to convince me to
18 vote with the majority on this. I took it as friendly
19 advice. I did not take it as any kind of a threat. It
20 wasn't a threat. What he is going to do? I had just
21 been elected, God knows how.

22 Because I will say this: One of my former
23 classmates told me afterwards, he said, I don't think
24 that helped you. He said my wife came home from work,
25 and I said did you vote today? And she said oh, I

1 forgot. I am tired. I don't think I am going to.

2 She started to read the paper and said is this
3 that guy you went to school with? Yeah. I am going to
4 vote. I don't think she voted for you.

5 Q. Let me ask you: You have got the Pledge. You make this
6 statement of your convictions in the public meeting. It
7 attracts notice?

8 A. It attracted notice. It went over a hundred people at
9 the next meeting, and they were out for my blood because
10 the paper had reported it.

11 Q. That is okay. What I want to track down is the private
12 discussions you had with the Board members first. I do
13 want to talk about the meeting.

14 What did Alan say when he came to you?

15 A. He did not understand my objection.

16 Q. In the sense of?

17 A. He just literally I guess just didn't see it, couldn't
18 get it. To him, it was simply a matter of -- as he
19 interpreted it, this is something that should be in the
20 Pledge of Allegiance. He did not elaborate.

21 Q. And --

22 A. I didn't ask him either. At that point, I was just
23 wishing it would go away.

24 Q. How about Sheila Harkins, did she talk to you about the
25 issue?

1 A. Yes. Sheila called because Sheila also voted -- Sheila
2 and I abstained on that vote. She called me beforehand
3 and talked about her problems with it, that she felt it
4 was intrusive, that it really wasn't any of our
5 business.

6 And I said well, I plan to just simply abstain.
7 And she said yeah, I think that sounds good to me. What
8 is Casey going to do? I said I am not sure. She is
9 preparing a statement to read. I assume she is going to
10 abstain, but I don't know.

11 As it turned out, Casey voted for it and regrets
12 it forever. But Sheila and I abstained on that. We did
13 have a discussion on that. We didn't get into -- we
14 basically viewed it as a moral issue. We didn't really
15 discuss religion all that much other than the fact that
16 I reiterated my Golden Rule. I saw it as the Golden
17 Rule.

18 Q. Let me just make sure I am understanding you, Jeff. Was
19 it your sense that putting it in there might be
20 offensive to persons who didn't agree with it?

21 A. I could see how it could be. As I said, if it said one
22 nation under Allah, that might have bothered me. I
23 don't know. I could see how it could. That was good
24 enough for me.

25 Anyway, we were only -- the newspaper reported it

1 as though we were going to take a vote on whether we
2 were going to leave it in this school. It turns out in
3 the state of Pennsylvania, you cannot. It is the law.
4 It must be in there. It is beyond the purview of a
5 Board to put it in or take it out.

6 Can't touch the Pledge of Allegiance in
7 Pennsylvania. I don't know why. I do know why,
8 politics. Same reason I didn't get that lady's vote.
9 They do.

10 But that is how it was played up in the paper.

11 Q. Okay.

12 A. And we had a full house that night.

13 Q. How about Bill Buckingham, did he have any private
14 conversations with you after this -- you have got an
15 exchange here?

16 A. We discussed it afterwards where I reiterated what I had
17 actually said as opposed to what I assumed he had heard.
18 He didn't have much comment. He just sort of gave me
19 this look like I don't know what -- I am not going to
20 speculate what the look might have been.

21 It didn't look very favorable. We didn't have a
22 lot of discussion on it.

23 Q. How about Noel, did you have any private conversations
24 with him?

25 A. Noel was the Board President at that time. I even said

1 to Noel, I said look, this is what we could do. We go
2 to take the vote. I can excuse myself, leave the room,
3 and that way the vote will be unanimous.

4 He said I don't care if it is unanimous. I am not
5 going to report that one way or the other. I said fine,
6 I am abstaining. That was pretty much my conversation
7 with Noel on the subject.

8 Q. Let me ask you: When these people came to you, Jeff,
9 did you see them as trying to address the controversy
10 that had sort of erupted, or did they see you as being
11 in a difficult predicament?

12 A. No. It was more personal than that. I felt they were
13 seriously concerned for the state of my soul. To be
14 honest with you, that is how I took it.

15 Q. Really?

16 A. We were friends then. Bill and I were still -- he had
17 blown up, but this was the beginning of the end of that.
18 But it was a long beginning. It took a while until Bill
19 stopped basically talking to me.

20 Alan and I really haven't stopped for all -- I
21 have already reiterated things I have heard. But it is
22 like I do believe half of what I see and none of what I
23 hear. So I will give him the benefit of the doubt. I
24 didn't hear him say it.

25 Q. That is what I am trying to get a sense for. You have

1 people you told me you are friends with coming to you
2 and trying to get a better understanding of your
3 position. Is that fair?

4 A. Yes.

5 Q. And then Noel is trying to figure out how to address it
6 at the next meeting of the Board?

7 A. Right.

8 Q. So tell me about that next meeting. What was the --

9 A. Okay. We had a lot of people there. And they were
10 basically out for my blood because, you know, I was the
11 guy putting under Allah in. I don't know how they were
12 interpreting it.

13 At any rate, I had felt -- okay. We had an
14 executive session beforehand. And we were like -- they
15 quite often go past deadline. But that night, we were
16 like let's get this thing done here. We have got a
17 hungry crowd out there. The lions are getting hungry.
18 I used that phrase. That was me.

19 The last thing I said -- and Bill had also taken
20 flack for his statement. He and I had taken flack from
21 different segments, but we had both taken flack.

22 And the last thing I said to Bill before we walked
23 out was -- there were TV crews there. And he said he
24 had prepared a statement to read. He told us that in
25 executive session.

1 The last thing I said to him was Bill, don't feed
2 the monster. Well, he fed the monster. He read a
3 prepared statement in which he reiterated his statements
4 from the week before. And they ran on the local news.

5 And me, I sat there like a mouse. I already said
6 my piece. I am not feeding the monster. I am not
7 interested in melodrama here.

8 The only thing I said in that meeting at one
9 point, some woman got up and was pretty much addressing
10 me directly for wanting to vote to take under God out of
11 the Pledge. And I told her we are not doing that. And
12 I referred her to Noel, the Board President, and left
13 him explain what we were actually doing. That was my
14 total involvement from that point on.

15 Q. Let me ask you about that. If you go back to the
16 statement you originally made, which you have given here
17 at length, how was that statement reported?

18 A. It was reported without any reference to the Golden
19 Rule.

20 Q. It just appeared as one nation under Allah? What was it
21 that --

22 A. No. She didn't get that -- as it reported -- basically,
23 I had no quarrel with the article in the paper at all.
24 In fact to be honest with you, she took two different
25 sections. There was a section up here, an altercation

1 A. Yes. It didn't run on the evening news, but he had said
2 then -- I cannot say for certainty that he said it in
3 his prepared statement, but he had said it the preceding
4 meeting because I think Sheila Harkins jumped him about
5 that, about separation of church and state.

6 He said that the separation of church and state --
7 I can't say if he said in his opinion -- is a myth. I
8 don't know if he said in my opinion in there or not.

9 Q. How about do you recall in these meetings dealing with
10 the Pledge Mr. Buckingham making any statement about
11 Christ dying on the cross?

12 A. No. That came later.

13 Q. All right. Well, in terms of public comment by other
14 Board members about the Pledge resolution, can you
15 recall Noel Wenrich speaking to the resolution during
16 this meeting, the second meeting on the issue?

17 A. Obviously, he answered that woman's question that I had
18 dumped in his lap, but I figured hey, they are not going
19 to believe me anyway. Get this from the Board
20 President.

21 I believe he did, but I have no idea what it was.

22 Q. I mean I understand --

23 A. I'm sorry.

24 Q. I want to get what you recall. How about Sheila
25 Harkins?

1 A. Sheila addressed it at both meetings.

2 Q. Tell me --

3 A. The second meeting -- because I had told her I am done
4 talking about it. I said I made my statement. I am
5 going to abstain.

6 And she kind of agreed in principle. But that
7 said, at the meeting, she did make some statements.
8 They were not supportive of keeping it in the Pledge,
9 but I can't be more specific than that.

10 Q. How about who else was on there? Angie Yingling, did
11 she speak to the issue?

12 A. She may have. Again, to be honest, yeah, nothing is
13 coming back. Casey, of course, read a statement.

14 Q. Right.

15 A. I think she gave you that statement.

16 Q. She did.

17 A. That is better.

18 Q. Barrie Callahan would still be on there; right?

19 A. Yes, she was still on there. I don't think she
20 addressed the issue at all. She did vote for the
21 resolution, but I don't think she said anything one way
22 or the other.

23 Q. How about Alan Bonsell, do you recall him speaking to
24 the issue?

25 A. It seems as though he probably did, but nothing very

1 confrontational. Alan is not a particularly
2 confrontational person. No.

3 I can't recall anything specific. Although, I do
4 think he probably did, but I am pretty sure Barrie
5 didn't. And I know Sheila did. And, of course, I know
6 Bill and Casey and I did. But they are the only ones.
7 I am vague, fuzzy on that.

8 Q. You mentioned your wife. Did she speak to the issue
9 apart from her prepared statement?

10 A. Well, she answered a member of the audience who impuned
11 her patriotism. That is not a good move. As I said,
12 her grandfather was an Earl. They can trace her family
13 back to 1066.

14 I am going to tell you something about William the
15 Conqueror, when he picked a noble, he picked somebody
16 for the ability to cut heads off and sleep like a baby
17 that night. And blood does seem to tell true I will
18 tell you.

19 She is not somebody to impune. You don't do that
20 to her. She backed him down.

21 Q. And just give me -- I can see that having deposed your
22 wife, a formidable woman. Give me the thrust of her
23 response to this man who insulted her patriotism?

24 A. My family has searched in every war this country has
25 fought since the French and Indian War. I, myself, have

1 served in the military. My father retired as -- what
2 the heck -- a General. It wasn't Lieutenant. I forget
3 what it was. He retired as a General U.S. Army. He
4 started as a Buck Private in 1939.

5 Do not stand there and impune the patriotism of me
6 and my family. He sat down.

7 Q. Good enough. You told me also that somehow connected in
8 your mind with the Pledge issue, there were these
9 discussions relating to prayer in the schools. Wait.
10 Let me stop there.

11 Executive session comments beforehand, can you
12 recall any comments among Board members relating to the
13 upcoming vote on this issue of the Pledge?

14 A. Other than Alan, I believe that is when it was that Alan
15 encouraged me to vote, to change my mind. And he wasn't
16 threatening. He wasn't threatening. He seemed
17 concerned. He frankly admitted he did not understand my
18 position.

19 Q. Concerned do you think with the way you were going to be
20 perceived, your vote would be understood?

21 A. Partially. As I said, I felt he was genuinely concerned
22 for me and my spiritual well-being.

23 Q. And why do you say that, Jeff? You had this sense --

24 A. His tone of voice.

25 Q. And by that, what do you mean that it was --

1 A. It was solicitous. It was concerned. It was friendly.

2 Q. So you thought he had your best interests at heart?

3 A. Yes, I did as he understood them, yes.

4 Q. Sure. All right. Now it seems that this Pledge issue
5 then engendered some discussion about prayer in the
6 schools and so on. Or did I misunderstand your
7 testimony?

8 A. Yeah, you did. When I said that came later, I meant
9 months later that comment died on the cross. I will not
10 say the audience never brought up the subject. They
11 very well could have.

12 It was the kind of audience that I am sure it was
13 there. But there was no discussion by the Board. As I
14 said there has never been any public discussion by the
15 Board on prayer in schools.

16 Q. Let's look at the private discussions that you have
17 recalled. Tell me about them. When did they come up?

18 A. Last summer after the thing began to surface with -- it
19 all started with the laced with Darwinism back in May of
20 last year. I am not even sure of the month.

21 Q. So the summer of 2004?

22 A. Yeah. There were two different discussions concerning
23 prayer in school. And as I said, it was Jane Cleaver,
24 Alan Bonsell, Heather Geesey, Bill Buckingham that I can
25 recall. All stated to greater or lesser degree that

1 they felt it was a mistake. They didn't approve of it.

2 Again, when you lump that many people together, I
3 probably shouldn't, but the problem is I can't remember
4 too many specific quotes by too many specific people.
5 It was just a general sense of -- I guess that is not
6 very helpful unfortunately.

7 Q. That is fair enough. Anyone asked to recall
8 conversations that took place a year ago is going to
9 have some difficulty. But I do need to get a sense for
10 what you can recall.

11 A. They were definitely not in favor of it. None of them
12 were in favor of it. And at least some of them, if not
13 all, wanted to see it undone.

14 There was no specific discussion of any Board
15 strategy to do anything about it. But that said, there
16 was -- I am probably remembering it as a group because
17 it is one of those situations where people make a
18 statement, and the other people standing there sort of
19 nod and agree. They don't necessarily say anything, but
20 you get the sense that they are in general agreement.

21 And there was definitely general agreement that it
22 should be -- it should never have happened, and it
23 should be undone. But there was no discussion on
24 specific methods to undo it.

25 Q. Can you recall what spurred --

1 A. No, I can't. It probably segued out of the Intelligent
2 Design, or at that point, it may have been the
3 Creationism discussion. Because when this first came
4 up, it was Creationism and not Intelligent Design.

5 Creationism morphed into Intelligent Design later
6 on.

7 Q. Let me take a break for a second.

8 A. I will be glad. How about more than a second?

9 (A recess was taken.)

10 AFTER RECESS

11 BY MR. GILLEN:

12 Q. Let's get back to the discussion of prayer in the
13 schools, Jeff. You recall two discussions. For the
14 purposes -- it seems based on your recollection, you
15 have grouped Jane Cleaver, Alan Bonsell, Heather Geesey
16 and Bill Buckingham together on this issue?

17 A. On this issue.

18 Q. We got summer of 2004 as the temporal time?

19 A. Yeah. Somewhere after the laced with Darwinism speech.

20 Q. Let me ask you in terms of temporal proximity to Board
21 meetings, were they discussions had in connection with
22 Board meetings?

23 A. They were in executive session. It obviously had to do
24 with other things because I am not aware -- they just
25 evolved. They just came out of the general gab fest

1 that executive sessions frequently turn into.

2 Sometimes you feel like you are under a lot of
3 pressure and just let off steam in there.

4 Q. And do you have a sense for what led the discussion in
5 that direction?

6 A. My sense is that it grew naturally out of the discussion
7 on Intelligent Design because there was a great deal of
8 religious -- it was seen as a -- the Intelligent Design
9 issue was seen as a religious issue by several Board
10 members, most emphatically Mr. Buckingham, but also to a
11 lesser degree all of the other ones I just named.

12 None of them ever made the statement that it was
13 strictly a scientific issue. Quite the reverse. It was
14 in their minds. Now I will say this: They were very
15 much of the opinion -- and I think all of them are, and
16 I don't think I am exaggerating at all. All the
17 individuals I just named I believe are convinced that
18 Darwin's Theory of Evolution is essentially a hoax. It
19 is perpetrated for reasons, I am not quite sure what the
20 reasons are.

21 But at any rate, their feeling is, they have made
22 statements -- and I can't say all of them have, but I
23 have heard statements made by some of the Board members,
24 Alan Bonsell in particular comes to mind, that
25 scientists know there isn't much -- that the evidence

1 for evolution is spotty or suspect, but they suppress
2 it. They suppress the nature of it being spotty, which
3 to me that is your classic hoax. When you suppressing
4 evidence. I don't think any of them ever used the word
5 hoax. That is my term.

6 But they do believe that the scientific community
7 is perpetrating this for reasons that I quite frankly
8 don't understand. But I think they do sincerely believe
9 that.

10 Q. You have referenced a comment by Alan Bonsell about
11 Evolutionary Theory about the evidence being spotty or
12 suspect?

13 A. The gist of that conversation -- and I am paraphrasing I
14 know -- was that they know there is not any real
15 evidence for it, but if anybody tries to point it out,
16 they suppress it.

17 Q. And they means?

18 A. The scientific community as a whole.

19 Q. Apart from that comment, do you recall Alan Bonsell
20 making any other comments directed specifically to the
21 merits of Evolutionary Theory?

22 A. Yes. In public comment, he was skeptical. But it fell
23 within the purview of what I would consider reasonable
24 questions, gaps in the fossil record, etcetera.

25 Just to be utterly fair about it, Noel Wenrich,

1 who ended up not voting for the Intelligent Design, was
2 also a vocal critic, and continues to be -- because I
3 saw him last night -- a vocal critic of Evolution.

4 Noel I happen to know for a fact believes the
5 earth was created in six 24 hour days about 6,000 years
6 ago. He believes that. You will have to get his reason
7 in his deposition why he did not vote for the issue.

8 So it didn't exactly split along strictly lines
9 based on people's personal religious beliefs, but for a
10 number of the Board members, their personal religious
11 beliefs had a great deal to do with it. And they made
12 that clear in executive sessions.

13 Q. Let's look at that while we are at it. What other
14 statements are leading you to that conviction, Jeff,
15 that Alan Bonsell --

16 A. I don't want to nail Alan too hard because the truth is
17 Alan was probably the most reasonable of that group.
18 And what I mean by reasonable, I guess I should explain
19 that. He was the least confrontational. He was the
20 most accepting of other people's rights to feel
21 otherwise.

22 But I never for one second believed that there was
23 any doubt in his mind that evolution is a hoax, that --
24 I better not even choose the phrase getting God back
25 into the school. The phrase that Alan used most

1 consistently was doing the right thing.

2 Now it was quite often used in direct conjunction
3 with a statement by another Board member of getting God
4 back into the schools, but I don't recall Alan ever
5 using that phrase. The phrase that he most commonly
6 used was doing the right thing, doing what is right.

7 But he would use that as a form of agreement with
8 someone who had said we need to get God back into the
9 schools again. So I don't want to come down too hard on
10 Alan because Alan was actually the more -- I don't know
11 if the word is cautious or less confrontational about
12 it. He was in agreement, but he was a little more
13 guarded in his speech.

14 Q. Okay. And this is what I am trying to get a sense for,
15 Jeff. And maybe the way to do this is try to isolate
16 it.

17 You have a sense that certain people see the
18 Intelligent Design issue as connected to getting God
19 back into the school.

20 A. I believe it is all part of a piece to them, yes.

21 Q. I want to get the basis for your belief. And so far,
22 you have told me that you see Alan is making statements
23 about the evidence of Evolution is spotty and suspect,
24 the scientific community is perpetrating a hoax?

25 A. I am sorry, the perpetrating a hoax is my phrase.

1 Suppressing contrary information is more what he said.

2 Q. Sure. And you indicated he mentioned some specific
3 complaints such as gaps in the fossil record?

4 A. Right.

5 Q. Now let's stay with Alan and tell me what else you can
6 recall him saying about Evolutionary Theory.

7 A. Evolutionary Theory, that does pretty well cover it.

8 Q. Those were his themes on that issue?

9 A. Right. Alan has never made any secret that he believed
10 God created the earth. That is not to me any problem at
11 all.

12 A Board member or public figure has every right to
13 any private beliefs they want. I have never had a
14 problem with that. I have never felt -- it is only when
15 we cross into the public sector, that I think is when we
16 have got to watch ourselves. Especially, I am most
17 concerned about things that are my own personal belief.
18 They don't belong -- you know.

19 He has made numerous, numerous statements over the
20 years that indicates he believes certain things so on
21 and so forth. I don't consider them really germane to
22 be honest with you. They form a background in one
23 sense. But I guess I am really -- at least maybe I am
24 wrong here, but what I am seeing is what we are
25 looking for are things that directly relate to public

1 action involving the taxpayers of the District,
2 etcetera.

3 I am not coming up with anything at the moment --
4 I am sorry -- on Evolution per se, other than he was
5 skeptical of it -- skeptical may be too mild a term. He
6 quite frankly doesn't believe it.

7 He honestly believes that Evolution could not
8 possibly have happened because it contradicts Genesis.
9 That is it in a nutshell.

10 Q. What I am trying to get at in a nutshell is the second
11 part of your answer which is because it contradicts
12 Genesis.

13 What I am asking is: Do you recall any statements
14 he made that made that link explicit? Because what I
15 hear is there's some discussion of religion and prayer
16 in the schools. There's some discussion of Evolutionary
17 Theory. There's some discussion of Intelligent Design.

18 A. Yes.

19 Q. And I think there is an inference here that they are all
20 connected.

21 A. Yes. In my mind, they certainly are.

22 Q. What I am trying to get at is why. You have
23 acknowledged someone like Noel has the same beliefs
24 as --

25 A. Yes.

1 Q. -- Alan, but voted the other way?

2 A. Right.

3 Q. So what I am trying to get at is Alan's has ventured
4 some criticisms of Evolutionary Theory?

5 A. And so did Noel.

6 Q. Let's look at why. Is there anything that Alan said
7 that made you think his criticism of Evolutionary Theory
8 or his support for Intelligent Design, at least getting
9 that mentioned in the classroom, was anything other than
10 what he says it is, two scientific theories?

11 A. I would have to say no. Because the fact of the matter
12 is Alan -- when Bill -- I am sure that was covered
13 yesterday. When Bill attempted to hold the biology
14 books hostage to get *Of Pandas*, Alan stood with Noel,
15 Casey and I and got the four/four split that kept the
16 thing alive until Angie changed her mind, and we got the
17 books.

18 And I viewed Alan -- to be honest with you, the
19 first indication that I got that Alan was now siding
20 with Bill on this issue, I mean in the public arena, I
21 knew he was sympathetic to Bill's views. I also knew
22 that Noel was sympathetic to Bill 's views.

23 But my first indication in the public area was the
24 night of October 18th when Alan consistently voted with
25 that block. Up until that time, he had separated

1 himself. And I don't know why that happened. There was
2 no actual statement by Alan that I heard. I can't help
3 you there. I'm sorry. Maybe that is helping you. I
4 don't know.

5 Q. I just want to try and get to the basis --

6 A. That is why I said in some ways, you have been focusing
7 on Alan. And in a lot of ways, Alan is the least
8 because he did seem -- I am using, of course, my version
9 of things. To me, he seemed reasonable.

10 I would use that term for Noel. Knowing Noel's
11 personal beliefs, to me, it seemed reasonable that Noel
12 would put aside his personal beliefs and act in what I
13 consider more the community's behalf. But that is, of
14 course, my version of events.

15 He did make a switch, but I don't know when it
16 happened or why. I know it happened by October 18th,
17 but I don't know why.

18 Q. And when you said he made a switch, what are you getting
19 at, Jeff?

20 A. He went with the inclusion of the Intelligent Design in
21 the curriculum, which was not recommended by the
22 administration. And prior to that, Alan had -- I am not
23 saying this was his reason why, but it was the first
24 time I ever saw Alan buck the administration.

25 Bill and his group of voters bucked the

1 administration on the attempt to buy the book *Of Pandas*
2 *and People* book with taxpayer money, but Alan did not.

3 So the first time I saw Alan -- and it is not a
4 crime. A School Board member has the right to vote
5 against the administration. It is just that this was
6 the first time I had seen Alan do it.

7 Q. Okay.

8 A. And again, I am only surmising based on, like I said,
9 assorted comment that he was disposed to see it that
10 way. But Noel was also disposed to see it that way.
11 For reasons I cannot give you, one went one way, and one
12 went the other. I don't know why.

13 Q. Okay. And that is what I am trying to get at, Jeff. I
14 mean you seem to have a sense that Alan's -- I know we
15 will get to the others, believe me -- that Alan's
16 questioning of Evolutionary Theory and his support for
17 Intelligent Design Theory were based on the consistency
18 of -- based on their relative consistency or
19 inconsistency of each theory with his religious
20 convictions.

21 And I am looking for --

22 A. A smoking gun? I don't have one.

23 Q. Because as you know, Evolution is the text the teachers
24 wanted to purchased. Evolution is what is taught in the
25 classroom. So I am trying to find out, if you recall,

1 any specific statements on the part of Alan Bonsell that
2 explicitly linked his criticism of Evolutionary Theory
3 to his belief in whatever the Bible said as he
4 interprets it.

5 A. I remember one night Bill used the word Creationism in a
6 public meeting, and Alan suggested he use the phrase
7 Intelligent Design instead. I don't know what that
8 proves. I just know that he did it because Bill was
9 still using the phrase Creationism then.

10 Q. And that was after the public meeting?

11 A. That was at a public meeting.

12 Q. Let's take a break and get some food.

13 (A recess was taken.)

14 AFTER RECESS

15 BY MR. GILLEN:

16 Q. All right. I thought about some of the questions I
17 asked you before the deposition.

18 A. I have been thinking about some of the questions you
19 asked. I can't come up with anything. It was just a
20 general impression. It was sort of the atmosphere, but
21 no, nothing specific, not that would help in a court of
22 law I am afraid. That is my opinion.

23 Q. Let's approach the story sort of chronologically, and
24 let me ask you: You have seen this issue relating to
25 the biology text and curriculum.

1 When did the issues that have been implicated in
2 that dispute over the biology text and biology
3 curriculum first come to your attention as a Board
4 member?

5 A. Almost from the beginning of our taking up with the
6 Board. There was mention, there was discussion -- and
7 again, this would go back to Alan Bonsell, but I don't
8 have any smoking guns on Alan.

9 He made it known very early that he was not happy
10 with Darwin's Theory, that he didn't believe in it, and
11 he didn't -- that's why he wanted to be on the
12 curriculum committee. He did state his reason was that
13 he was concerned that Darwin's Theory would undermine
14 children's faith in God.

15 And I don't even know that he used the term God as
16 much as it would undermine their religious beliefs. And
17 I could understand that. I was supportive from the
18 standpoint I did not believe it was the School
19 District's place to make such statements as well, life
20 evolved from a bunch of chemicals interacting. It was
21 strictly random chance. It was strictly -- it is all an
22 accident. There is no greater purpose. Nothing is
23 greater than the sum of its parts.

24 Because (a) I don't believe that, and (b) you
25 can't prove it. And when I first heard the term

1 Intelligent Design, I viewed it as an alternative to the
2 idea that it is all random chance. And I was supportive
3 of that. Not in any formal Board actions, but in our
4 informal gab sessions, I agreed that if we are going to
5 tell kids, hey, it could have happened just by pure
6 random chance, then we have to state that it is also
7 possible there is some greater plan at work here.

8 I did not want to get specific because quite
9 frankly, I don't know. I wasn't around. But I felt we
10 were on solid ground there for the simple reason that
11 throughout history, lots of people have thought there's
12 some form of an Intelligent Designer. I don't care what
13 religion you are talking about. Any religion
14 presupposes some sort of intelligent.

15 That is a historical fact. It has ever been thus.
16 So I was not opposed to the phrase. I viewed the phrase
17 Intelligent Design as a valid philosophical
18 counterpoint.

19 Q. Let me stop you there, Jeff. Did you understand Alan
20 Bonsell to be talking about what he had read about
21 Intelligent Design Theory?

22 A. He did not go into any details. He used the phrase, and
23 I had read it somewhere. I didn't have a problem with
24 it because I had formed my own interpretation. I felt
25 we are on safe legal ground here anyway.

1 But it turned out, we were not in any way, shape
2 or form addressing the origins of life in our curriculum
3 at all.

4 Q. Let me take it with you because I think I know how the
5 story is going to unfold.

6 This statement that you are attributing to Alan,
7 about when?

8 A. Almost immediately after we came on the Board.

9 Q. Did he start out was one of his first positions when he
10 first got onto the Board on the curriculum committee?

11 A. Yes, he was on the curriculum committee. He was
12 appointed to the curriculum committee immediately. And
13 I think he was the head. I am not sure. But I think he
14 was the head of the curriculum committee.

15 Q. Now tell me, you were going to go on. Tell me what
16 happened next in terms of this issue then working itself
17 out.

18 A. We had informal discussions on his concerns. And I
19 agreed with his concerns. Because as I said, if you are
20 going to stand there and tell kids in the sense that it
21 is a fact -- and here, I will quote Noel Wenrich from
22 one of his statements that he made in a later context --
23 when you only teach one side, it might as well be a
24 fact.

25 And I agreed that if we were going to -- and this

1 was all very informal. We weren't talking about any
2 actual Board action. But I agreed in principle that if
3 we are going to tell kids that life could have possibly
4 evolved from total random chance, then I felt we were on
5 safe legal ground to say there are other opinions that
6 we have evolved through some form of Intelligent Design.

7 I viewed it as a very broad statement that would
8 include all religions without getting specific.

9 Q. Let me ask you there, Jeff, you say include all
10 religions. On the one hand, we are talking about
11 Evolutionary Theory and Intelligent Design Theory. And
12 you're seeing as a philosophical --

13 A. Basically, going as far as what I just said and no
14 further. No science attached to it at all. Just simply
15 a statement of how life could have begun.

16 And to be honest, I can't imagine a third possible
17 theory. If you are going to use Intelligent Design as
18 broadly as I was interpreting it then, I don't know if
19 there is a third way.

20 Q. Was anything concretely discussed as a specific step?

21 A. No, nothing concrete. I knew it was a concern of
22 Alan's. I shared the concern from the standpoint I did
23 not want us to be undermining kid's religious faith by
24 telling them something that, quite frankly, nobody can
25 prove.

1 I mean I know there are people in this world who
2 believe it all happened by accident. They don't have a
3 shred of proof. And to me, that is separate from the
4 whole concept of Evolution.

5 Evolution could be a form of Intelligent Design.
6 In my opinion, it is, but that is just my opinion. At
7 least, I never saw a conflict between the two.

8 And initially, that was as far as it went, and
9 there was no real discussion on Evolution per se. Just
10 that particular -- I shouldn't even say attribute of
11 Evolution because I am not even sure it was part of
12 Darwin's Theory that it absolutely had to happen through
13 random chance. It is more that it could have.

14 I will grant it. Yes, it could have. I don't
15 have any proof that there is a God. If I did, I
16 wouldn't have to be an electrician; would I?

17 Q. So what happened next?

18 A. It was in the background for a long time. It did not
19 show up on my radar screen. Now Alan became the Board
20 President and therefore had to turn the chair of the
21 curriculum committee over to someone. And he chose Bill
22 Buckingham. Why? I couldn't tell you. It never
23 crossed my mind to ask, but he did.

24 And at that point -- that would have been in
25 December of 2003 when Alan became the President. And I

1 think the committee assignments are usually made in
2 January. January of 2003, Bill Buckingham probably
3 became the chair of the curriculum committee.

4 There was at that point in time the book *Biology*
5 was up for review. We were supposed to buy new biology
6 books that year. Barrie Callahan had been on the
7 curriculum committee. By this time, she was off the
8 Board.

9 But she began asking questions at various meetings
10 about the progress of the biology book, you know, what
11 is being decided. I don't know if she was getting any
12 information -- I don't know why she singled out the
13 biology book.

14 It is possible she was getting information from
15 teachers that there was foot dragging on this issue. I
16 don't know. I have no -- I don't communicate with
17 Barrie.

18 Q. Do you per chance remember Barrie Callahan saying
19 anything about her daughter not having a book?

20 A. Yes, she did state that.

21 Q. Go ahead.

22 A. But what that had to do with the progress -- because
23 nobody was going to get a book until -- she wasn't
24 scheduled to get a new book until the following
25 September, anyway.

1 For whatever reason, Barrie focused on the
2 biology. There were a couple others. Home Ec. books
3 were up for review, too. I don't remember her making
4 much of an issue out of this.

5 She really drilled hard on the biology. When I
6 say drilled hard, Barrie can be really obnoxious
7 sometimes. She was apparently good at that.

8 Q. About when did this start with Barrie bringing up the
9 questions?

10 A. She had -- well, basically once she got off the Board.
11 Because for one thing, up until that point, she could
12 bring it up to us as a Board member. Now she had to do
13 it from the floor.

14 Q. Did she bring it up as a Board member?

15 A. She did, but she was on the curriculum committee and
16 therefore in the loop. And maybe for all -- I don't
17 know. I don't know what was going on in that curriculum
18 committee that caused her to focus on it. Maybe that --
19 I don't know.

20 At any rate, all I do know is that she began early
21 in 2004 to really -- to ask really pointed questions
22 about the progress of this biology book.

23 On one occasion, I remember Mr. Buckingham simply
24 said the book is currently under review, and that was
25 the end of it. Would he have continued in that vein?

1 Q. Let me ask you: I know there is an ordinary sort of
2 cycle to the text review and purchase. Is this comment
3 you are recalling on the part of Mr. Buckingham in the
4 spring or the summer?

5 A. No. This would have been prior to -- I believe it was
6 May when he made his laced with -- it would have been
7 prior to that.

8 The next time she brought the subject up, that is
9 when he made the -- and I will say this for Barrie. She
10 was especially obnoxious that night. I remember
11 thinking that even as she was speaking. Her tone was so
12 sarcastic and so snide. I could see Bill over there
13 steaming.

14 I was like thank goodness, you have to deal with
15 her and not me. I wished it would have been me.
16 Because at that point, he informed her rather in a -- he
17 was fed up. You could tell by the tone of his voice.

18 He said that no, the book was being currently held
19 up because it was laced with Darwinism. And I am like
20 oh, no. And I looked toward the two reporters. All I
21 could see was the tops of their heads as they were
22 writing furiously. I was like well, here we go.

23 I felt like -- just call it a hunch. I thought we
24 were in PR trouble. The story went wire service.

25 And at the next meeting, and I believe it was the

1 very next meeting --

2 Q. Stop there, Jeff, because I don't want to miss a minute
3 of this here. We've got this meeting where Bill makes
4 the comment laced with Darwinism. Let's look at the
5 Board at that time.

6 Did anyone on the Board -- I mean your wife is on
7 the curriculum committee with him. Did she respond to
8 Bill's comment?

9 A. I don't recall. To be honest with you, I don't. I can
10 hear him say laced with Darwinism just by closing my
11 eyes. I am there.

12 A lot of what happened after that is something of
13 a blur because I was in full spin control at that point.
14 That's right. Because we did have a person who just
15 recently graduated, he was attending college as a
16 biology major as a matter of fact, and he came up and
17 made a statement that he didn't see why Darwin being in
18 the biology book was any great problem. And there was
19 some altercation between -- okay. There was more
20 comment. It is coming back now.

21 Noel, Alan and Bill basically took turns tag
22 teaming this guy. I mean I am like, you know, you are
23 getting perilously close to crossing the line into
24 bullying this guy. They weren't. They did not quite
25 get to the point of what I would call true bullying, but

1 the guy was definitely outnumbered. And their tone was
2 pretty hostile toward his viewpoint.

3 And finally, as a close, to put an amen to the
4 whole thing, I said to him, while Mr. Buckingham is the
5 chairman of curriculum, the Board as a whole will vote
6 on whether or not to accept this book.

7 I meant this as a basically -- to reassure this
8 guy that this is not the last word on the subject. I
9 did not intend it as a put down of Bill. At this point
10 in time, I am still trying to work with Bill. I am
11 still considered --

12 It was played up in the paper as me basically
13 putting Bill down. That was all in the way the words
14 were arranged. They quoted us correctly, but the
15 juxtaposition made me look like I was basically slapping
16 Bill down. And that certainly wasn't the intent at the
17 time. Nor did he take it that way because we discussed
18 it after the paper came out.

19 Q. Okay. Let me ask you to give me a little more specific
20 information about this exchange here.

21 You have got a student who was present who comes
22 up and says I don't see the problem with having
23 Evolutionary Theory in a biology text. And you have
24 indicated that three guys, three Board members
25 responded.

1 What did Noel say?

2 A. Good, because he is the one I can definitely recall. At
3 least he was over there. That is when he made the
4 statement when you only teach one side of an argument,
5 you are teaching it as fact. That is probably not word
6 for word, but it is the gist of it. I remember him
7 saying that.

8 I remember Alan arguing -- what was he saying?
9 That is the key. I remember Alan argued because I
10 remember it was the three of them. There were almost
11 like taking turns with this guy.

12 Alan was definitely arguing -- all three of them
13 were arguing for a second opinion, another viewpoint
14 other than Darwinism. But I can't recall the actual
15 words other than that one phrase of Noel's.

16 Q. Do you recall if Mr. Bonsell mentioned Intelligent
17 Design?

18 A. No, I don't. No, I don't believe he did.

19 Q. Is it that you can't recall, or that you are certain he
20 didn't?

21 A. I am reasonably certain he didn't. I can't -- I don't
22 recall him doing so.

23 Q. Do you recall --

24 A. Considering all that has happened since, I would like to
25 think -- I don't know. I guess I don't know is the best

1 way to put it.

2 Q. How about Bill Buckingham? You indicated that he
3 responded to this student's observation?

4 A. Yes.

5 Q. Can you recall what he said?

6 A. His point, he was essentially taking the point that we
7 needed to have more -- he did not use the word
8 Creationism I don't believe. I don't think that he did
9 that night.

10 He was arguing that we -- all three were arguing
11 that we needed more than one opinion on this subject,
12 but I can't recall any more specifics other than that
13 one by Noel. And, of course, laced with Darwinism which
14 got it all started.

15 Q. Was there any recess during this first meeting?

16 A. Probably, but I don't remember.

17 Q. Can you recall any other discussion among Board members
18 about this issue, this biology text issue?

19 A. That night?

20 Q. Yes.

21 A. Yes. By me. At some point, we either went for
22 executive session or recessed or something because I
23 remember telling them I hope you're ready for the
24 newspapers tomorrow. Because when Bill made his laced
25 with Darwinism statement, I looked over, and all I could

1 see was the tops of their heads, and they were
2 scribbling furiously. We are definitely going to be in
3 the paper tomorrow.

4 And Bill's contention was good, it's about time.
5 And I am like okay. I'm not trying to imply -- I just
6 -- I don't know what that meant. Bill was his usual
7 pugnacious self.

8 Q. Anyone else say anything?

9 A. Nothing else comes to mind. I just remember kind of
10 telling everybody I hope you are ready for the papers
11 tomorrow. But nobody seemed too upset by it.

12 I would say that Noel and Alan both felt that
13 maybe with a little less emphasis than Bill, they were
14 sort of like this is just something that was going to
15 have to come up. I am reading things in. This is an
16 opinion. This is just what I gathered from their
17 general tone and manner that they did not view this as a
18 gaff or a publicity problem.

19 It was like well, sort of, let it come sort of
20 thing. I am interpreting here. I'm sorry.

21 Q. Let me ask you that. You said you had the sense Noel
22 and Alan were looking for another viewpoint. You can't
23 recall Alan using Intelligent Design.

24 Did Noel Wenrich use that term?

25 A. I don't believe so. I don't believe it came up. Noel

1 may have even used the phrase Creationism. It sort of
2 sticks in my mind that he did, but I am not positive.
3 He may have, but I am pretty sure -- I know Alan did not
4 use Creationism. Alan ever used Creationism, ever. And
5 I don't think he used Intelligent Design, but I am not
6 sure.

7 Q. How about Sheila Harkins, do you recall her saying
8 anything in response?

9 A. No. At this point, Sheila seemed utterly disinterested
10 in the whole subject. Sheila had no part in the --
11 none, whatsoever. I can't say that strongly enough.

12 Sheila had no part in it until it came time to buy
13 the *Of Pandas and People* book. That is when Sheila
14 enters the stage from my own recollection.

15 Q. Sure. That's fine. How about Angie Yingling? Bill has
16 made this comment laced with Darwinism. The reporters
17 are scribbling as you recall.

18 Did she say anything?

19 A. I don't recall anything. It was basically Noel, Alan
20 and Bill.

21 Q. All right. So say --

22 A. I put my little code in at the end, but that was it.

23 Q. Right. And do I understand you correctly, Jeff, that
24 your point is look, when the text comes up for a vote,
25 the whole Board votes on it?

1 A. That is, of course, true. Because committee chairs
2 recommend or not recommend, but that is it. The Board
3 ultimately disposes.

4 Q. Okay. So what happened next? This is the first meeting
5 in June do you think?

6 A. No. This would have been in May I believe.

7 Q. Okay.

8 A. According to what Casey and I went over the other day, I
9 think this -- we both think this was in May.

10 Q. Okay. In any event, it is the first meeting that you
11 remember, and that is fine.

12 A. It was the first time that anything that ultimately
13 became known as Intelligent Design, it was the first
14 time it ever became public. And I am absolutely certain
15 of that.

16 Q. Now you say became public. Up until this time, you have
17 mentioned a comment that Alan made.

18 A. Right. There were the back stage comments. None of it,
19 none of the stuff involved any concrete action by the
20 Board. It was more like opinion, which you do all the
21 time.

22 I didn't give it any real weight more than okay,
23 that's how they feel. But I also knew there were
24 certain laws, blah, blah, blah.

25 Q. There were certain what?

1 A. There are certain laws relating to -- I mean I was very
2 much of the opinion, and I can't give you my exact
3 reasons why, I was of the opinion that Alan would have
4 been quite happy to teach Creationism in school. But he
5 was also aware of the pertinent case law. And Alan is
6 not a bomb thrower. You will not get that statement out
7 of me about Bill, but you will get it about Alan.

8 Q. And we are starting now the story where it picks up
9 speed.

10 A. Yes, where it starts to pick up speed.

11 Q. Before we go there, let me ask you: You have mentioned
12 a comment by Alan Bonsell when he got on the Board and
13 got on the Board curriculum committee about Evolutionary
14 Theory. Taking the period of time between Alan's
15 comment and this meeting you have just described, do you
16 recall any other discussions involving Evolutionary
17 Theory by members of the Board?

18 A. There were comments on and off. It was there. It was
19 in the background. It wasn't as though it only ever
20 came up once.

21 Occasionally -- and to be honest, Noel Wenrich was
22 usually involved in them. I tended to stay out of them
23 other than the fact that I was very concerned. I did
24 not want to be -- my big concern was the total accident,
25 total chance thing. If we are teaching that, then we

1 should -- if we are telling that to kids in class, then
2 I felt we were within our rights to tell them there are
3 other opinions of how life actually -- the whole purpose
4 of the thing kind of thing.

5 I was not -- the truth of the matter is, I have
6 not had a problem with Evolution for a long, long, long,
7 long time. So this was not an issue to me.

8 But what precedes the Evolution, whether it just
9 happened or whether there is some sort of guiding hand,
10 that's outside of science at this point --

11 Q. When --

12 A. -- in my opinion.

13 Q. All right. So we have got this first meeting where the
14 text issue comes, as you say, into the public with Bill
15 Buckingham's comments. You have indicated it was in
16 response to some pointed questioning by Barrie Callahan.

17 Was anyone else present?

18 A. Eric Rothschild used the term provoked on Sunday. He
19 said I sort of got the opinion that Barrie Callahan
20 provoked this discussion. I said provoked is an
21 excellent word.

22 Q. I share Mr. Rothschild's sense that it was provoked.
23 Was there any other provocative comments offered by the
24 members of the public at this meeting you described?

25 A. By the public, no, none, whatsoever. Once Barrie had

1 gotten her -- I shouldn't say that. There probably
2 were, but it wasn't anything memorable. Her general
3 attitude was probably pretty nanana (spelled
4 phonetically), but don't ask me what it was. I tuned
5 Barrie out at every opportunity.

6 Q. So now the next meeting comes up, and you had a sense
7 that there might be public attention drawn to the
8 Board's deliberations on the subject?

9 A. And they were fulfilled. There were TV cameras from two
10 or three of the local networks there. Neither of us is
11 exactly sure.

12 There are three television crews who cover us --
13 Channel 8, Channel 43 and Channel 27. They aren't all
14 three there all the time, but those three have shown up
15 at various sort of times.

16 I can't say for a fact whether all three were
17 there, but at least two of them were. We are really
18 sure 43 and 8 were both there. We are not so sure about
19 27.

20 Q. So how does the meeting proceed? You go through the
21 agenda, and you get to -- first, there is public
22 comment.

23 Was any public comment made on the text issue?

24 A. Yes. I believe if I am correct -- and this is where
25 memories get foggy -- as I recall it, it was a big dud

1 They can do it in their sleep.

2 Q. Who made that statement?

3 A. I have no idea. I guess either -- well, I am thinking
4 when the questions came up, Dr. Nilsen referred to Mr.
5 Baksa, but I could be wrong. I am not even sure that
6 Bill made any statements. I think Bill just stayed out
7 of it at that point.

8 I think it would have been Mike Baksa's
9 department. He handled curriculum. That is a guess,
10 but it seems about right. At any rate, as I recall that
11 meeting, nothing exciting happened at all.

12 Q. Okay. How about public comment at that second meeting,
13 did people come to the meeting to offer comment on the
14 text?

15 A. There wasn't too much that I recall. I am sure Barrie
16 got her two cents worth in, but nothing really sticks
17 out in my mind.

18 Now I don't have a photographic memory. I am good
19 at remembering certain things. But unless they really
20 grab my interest, they tend to disappear quick.

21 Q. Okay. Now we had two meetings now where at least the
22 issue is in the public. You recall Mr. Buckingham's
23 laced with Darwinism statement.

24 Anything else in this two meeting period, any
25 statements you recall?

1 Board members.

2 But at any rate, that is all he really talked
3 about was the fact -- he didn't get into specifics, but
4 just the fact that she had apparently taken care of this
5 situation.

6 Q. Then what happened next?

7 A. What happened next? We were in executive session before
8 the next meeting, and Bill came up to me, and I believe
9 just me. I mean I am sure he told other people. But as
10 I recall, it was pretty much a one on one conversation.

11 He was fairly glowing because he was getting
12 letters of support from all over the country because the
13 story had gone wire service. But the thing that really
14 impressed him most an institution in Seattle -- and he
15 did not give the name -- but an institution in Seattle
16 had contacted him and offered him help and advice in
17 dealing with this. He did not give me the name of the
18 institution.

19 I got the impression he didn't remember the name
20 off the top of his head. I don't think he was being
21 coy. He just couldn't remember it. That is the
22 impression I got. At any rate, he did not put a name to
23 this institution.

24 Q. Did he mention Intelligent Design in connection with
25 that institution?

1 A. No, he did not.

2 Q. Now this is at an executive session before --

3 A. Right, before our very first meeting.

4 Q. Can you date that, Jeff?

5 A. It would have been in June, probably the first Monday in
6 June. I wish I had the timeline sheet that we did the
7 other day because we were trying to do that the other
8 day. I forgot to get it today.

9 Q. That's all right. So now can you recall if this was the
10 executive session before the meeting on --

11 A. It would have been the very next meeting. I remember
12 that because he had told me this, and he was very
13 excited about it. He and I were still on the same side
14 of the fence at that time. This was friend to friend in
15 confidence and so forth.

16 I remember that was sort of like -- I remembered
17 it because it sort of conflicted with what -- I saw it
18 as a potential problem because I am thinking the biology
19 book problem is settled, and he is telling me this. It
20 wasn't like I immediately thought oh, my God, but it was
21 sort of like well, what problem -- it bothered me. I
22 couldn't exactly say why, but it just seemed a little --
23 that is why I remember it so vividly because it
24 triggered sort of what the heck.

25 Q. Do I take your meaning to be you thought the issue had

1 A. Right. It is illegal. I shouldn't say just me because
2 Casey was definitely making those statements, too.

3 There could have been others as well. But I do
4 remember that I was definitely making them. And I won't
5 even absolutely say that it was in response to mine, but
6 that is how I remember it.

7 And that could be a trick of memory because in one
8 sense, he was answering all of us. I won't say that
9 immediately after I stopped talking, he said it, but
10 that is sort of how I recall it.

11 Q. Okay. How about reaction or response to these comments
12 from the public or your comments from other Board
13 members? You said Alan said we are talking about
14 Intelligent Design; is that what he said?

15 A. He just said -- Bill used the phrase Creationism, and
16 Alan said Intelligent Design just like sort of a
17 correcting like. Say I wanted to say -- I don't know --
18 Orlando, Florida, and I said Orlando, Texas and my wife
19 might go Florida. That sort of thing. I just viewed it
20 as sort of like use that phrase, please, or you made a
21 mistake or something. I don't know how.

22 But at any rate, that is all he said two words
23 Intelligent Design, period.

24 Q. How about Noel Wenrich, did he say anything in response
25 to these suggestions?

1 A. I don't recall any. I do recall that Noel was furious
2 with Bill's wife after that meeting. As he said
3 bringing a tent show into a School Board meeting. And I
4 don't recall whether he said anything or not that night.

5 Q. How about Sheila, did she respond?

6 A. Sheila, if Sheila responded, she would have probably
7 been on the side saying we can't teach Creationism. It
8 is illegal. If she responded at all. That was pretty
9 much her position at that point in time.

10 Q. How about Angie Yingling?

11 A. Don't remember.

12 Q. And was Jane Cleaver there?

13 A. I keep saying that about Angie. I don't remember -- I
14 don't know. Jane was missing a lot of meetings at that
15 point because she was back and forth from Florida.

16 I keep saying I don't remember with Angie
17 Yingling. That is less because Angie never spoke; Angie
18 never said anything very memorable. So you will have to
19 excuse me.

20 A lot of times I sort of vaguely recall that Angie
21 might have spoken, but I have no idea what it was.

22 Q. So what was the upshot of this meeting?

23 A. Well, obviously we did not vote on the biology book, but
24 I can't remember why.

25 Q. Okay.

1 He was concerned. He was quite frankly appalled at the
2 publicity we were getting. He didn't want it. He
3 didn't agree with the tactics that were being used, with
4 the approach.

5 I think that was his primary objection. The
6 tactics, the approach were just counterproductive.

7 Q. Let me ask you --

8 A. Because as I said, philosophically, he agrees with Bill.

9 Q. Let's look at that, Jeff. At this point in time now, do
10 you see -- Bill has mentioned Creationism at a Board
11 meeting. Alan has said Intelligent Design. What do you
12 see as what is actually at issue here?

13 We are talking about a biology text that is coming
14 up for a vote?

15 A. Right.

16 Q. Is the issue whether that text is going to be approved?

17 A. I didn't see it that way at the time. I was still
18 assuming that when Bill Buckingham gave his word that he
19 would support it, that he would support it.

20 Q. Okay.

21 A. Because that's the impression I had of Bill. He was a
22 guy that when he told you something, whatever else, you
23 could take Bill's word for things.

24 So I never viewed the biology text as being at
25 risk. I assumed it was a done deal because he had said

1 so.

2 What I saw was there was definite talk about
3 inclusion of an alternate theory, and I was -- again,
4 I'm still naively clinging to my own rather broad based
5 viewpoint of what Intelligent Design actually
6 represented. So I was actually onboard to some degree
7 at that point for yeah, I don't have a problem with this
8 kind of thing.

9 We never got into specifics. There was nobody
10 ever gave an actual definition. It's entirely
11 possible -- in fact, it is probably more than entirely
12 possible that I would be standing there talking to Alan
13 or Noel or even Bill on this subject, and I'm thinking
14 one thing, they're thinking another, and neither
15 realizes that the other is thinking anything else. I
16 know it didn't cross my mind.

17 Q. Are you getting there, Jeff, whatever understanding you
18 had of Intelligent Design?

19 A. My feeling was I had no problem at all with mentioning
20 it -- here comes the word -- mentioning it as a
21 counterpoint to the hypothesis. And I wouldn't have
22 used that term then. It is only since that I have had
23 to learn the difference between a hypothesis and a
24 theory. At that time, I used the two words
25 interchangeably like everybody else does.

That life evolved through random chance, I had no problem with a mention of that. If we were going to say the one, I had no problem with saying the other. I was onboard to a certain degree with this, but it was based on my interpretation. They had their interpretation. And probably a lot of grief came out of that.

Q. Let me ask you about that now. You know that Alan Bonsell has a concept of Intelligent Design?

A. He had never explained it to me, and I never explained mine to him. We probably should have, but we didn't.

Q. Do you recall him mentioning any text or sources he consulted?

A. None. I'm absolutely certain he never mentioned any texts to me. The first text I ever heard was *Of Pandas and People*. And that I heard of at the very end of July.

Q. So that's where I'm trying to get us to go now.

A. During that interim period, Noel became increasingly distant from the group. That is pretty much it, what I can give you.

And then our Board meeting would have been -- you said August 2nd. That would have been a Monday. The Thursday prior to that, Mike Baksa called Casey, because she was on the curriculum committee, and told her that Bill had this book someone had sent him *Of Pandas and*

1 People. And he wanted everybody -- he wanted the
2 Biology Department to take a look at it. A lot of them
3 were on vacation.

4 Casey found out about it. I came down here to get
5 a copy. They didn't have any. Sheila Harkins had it.
6 So I went over to her house. And that was my first
7 indication that Sheila was showing any interest in this
8 at all, my very first. I am absolutely certain of that
9 because it came as a total shock to me.

10 Up until that point, Sheila had either ignored the
11 subject or sided more or less with us. But at this
12 point when I went to get the book -- it must have been a
13 very persuasive book -- the first thing she said to me
14 was I think we should buy this book.

15 I am like Sheila, you never wanted to buy the
16 books that we are supposed to buy? And I am not
17 exaggerating. We were a year behind on our biology book
18 because of Sheila Harkins who hates to part with a dime.
19 I can say this with all due respect Sheila is cheap.

20 Q. A good thing in a Board member.

21 A. Yes. And she was always useful as a bad cop when we
22 were trying to negotiate anything. It was like you
23 don't want to deal with me, I will turn Sheila loose on
24 you. I didn't say it that way, but they knew.

25 She was very helpful. She was always our bad cop.

1 The only problem is that always works best when it was
2 an act, but she was not acting. She totally blew me
3 away.

4 She wants to buy a book we don't need. She has
5 been fighting buying a book we do need to meet state
6 curriculum standards, and now she wants to book we don't
7 need. And I was just like why? Well, it gives another
8 theory to Evolution. And I am like we don't need
9 another theory to Evolution. She said -- and now, I am
10 getting fuzzy again. Doggone it. I hate when that
11 happens.

12 I am going along. I am hearing it. Then all of a
13 sudden, I hit a blur. It must have been boring. Well,
14 anyway, I don't know. It is a blank.

15 I remember her saying to me that -- how did she
16 put that? I remember my response. What the heck was
17 her statement? I know she was definitely pushing the
18 book and wanted to -- she wanted to do something that
19 caused me -- I know my response was we will get sued.
20 But doggone it. What was the thing she wanted to do
21 that caused me to tell her we will get sued?

22 That is awful. I probably will wake up three
23 o'clock in the morning and remember what it was. I
24 remember telling her we would get sued. I remember her
25 telling that no, we wouldn't. She said no, we wouldn't.

1 But I can't remember -- and I think that is pretty
2 important -- - what the heck it was she said. I am no
3 help. I'm sorry.

4 Q. Was it the purchase of the book?

5 A. It involved the purchase of the book and as a
6 supplemental text.

7 Q. Putting the book in the classroom?

8 A. That's what it was. I said we could get -- she wanted
9 to buy the book as a supplemental text to our regular
10 textbook. And I said you can't spend taxpayer money on
11 this. We will get sued. And I wasn't thinking sued in
12 Federal Court. I was thinking a taxpayer group will sue
13 us for misuse of funds. That is what I meant. That is
14 what it was. Okay. Good. It is there.

15 Q. Jeff, just to make sure I am understanding you, did you
16 mean you are buying an unnecessary book?

17 A. We are buying an unnecessary book. I was being dramatic
18 for Sheila's effect. I was trying to back her down to
19 be honest with you.

20 But then we got into the whole thing of suing.
21 And it segued somehow, and this is what I -- this is
22 what I was thinking about that was conflicting with
23 that. I hate memories.

24 We got into the subject of teaching Creationism.
25 I think she was using Evolution. I don't remember

1 until -- shoot. No. Forget it. I am lost here.

2 I don't know how we went from getting sued by the
3 taxpayers for misuse of funds to the possibility of
4 being sued. But I remember her saying just read the
5 book. And I was arguing the book was irrelevant. We
6 couldn't do this. We couldn't go there.

7 I know what it was. I said -- yes. I said Bill
8 has poisoned this whole thing. I said he has equated
9 this with teaching Christianity. I said whatever chance
10 we ever had of doing anything is dead because of Bill.

11 And she said Bill is not the whole Board. And I
12 was like he has been too vocal. It's not going to play.
13 People are going to see this as Bill Buckingham's
14 bringing God back into school. And she said just read
15 the book.

16 I said it doesn't matter what is in the book. It
17 is not going to matter. They are going to see this -- I
18 am pushing it from a PR standpoint. And that's -- yes,
19 now it is coming back to me.

20 Yeah, that was the discussion. Yes. It was
21 because I was arguing that because of what Bill had
22 said, no matter what we did, it was going to look like
23 we were trying to teach Creationism. And she kept
24 saying just read the book.

25 So I took the book home. And I got to the second

1 paragraph, and I was ready to throw it across the room.
2 It was like basically telling me I am an atheist if I
3 don't -- I was not kindly disposed toward the book to
4 put it mildly.

5 Q. Let me understand you there, Jeff. There was something
6 you read --

7 A. The second paragraph of the book essentially equated
8 anyone that didn't believe -- basically they equated
9 belief in Evolution with belief in random chance. And I
10 am a person who believes in Evolution but doesn't
11 believe in random chance. And this just got my teeth on
12 edge right away.

13 Q. Let me just make sure I am understanding you. Then you
14 said they are calling me atheist?

15 A. Because to me, random chance and atheism, it is the same
16 thing. Random chance is there ain't no higher purpose.
17 To me, that is the atheistic position.

18 Q. So now I understand you. So you read the book and found
19 it objectionable?

20 A. I must admit they had got me off on a bad foot right
21 from the beginning, but that will happen with books. I
22 did not read the book. I skimmed it in depth is
23 probably what I did.

24 And to be honest with you, I don't know enough
25 science to tell you whether it was good, bad or

1 indifferent science. I am not that knowledgeable in
2 that area.

3 But I knew that philosophically, I found it highly
4 objectionable because it seemed to me to be pretty much
5 invalidating huge portions of Darwin -- I don't even
6 mean the random chance, which I am not even sure is part
7 of Darwin's Theory per se.

8 They were very much opposed to the idea of any
9 species evolving into a different species, which as I
10 understand it most scientists believe they do. I don't
11 know. I don't tell mathematicians how to do math. I
12 don't tell scientists how to do science. I wasn't
13 impressed by the book.

14 That was on a Thursday. That Monday, we had the
15 meeting. Bill made the motion -- as the chair, he would
16 make the motion -- to buy the book.

17 Q. Hold on a second, Jeff. I know that Mike had called you
18 to bring the *Of Pandas* issue to Casey's attention and
19 yours and pick up the book.

20 Did Mike say anything else to you during that
21 call?

22 A. I am sure he did. I think I know what you mean. He did
23 not pass -- he did not give me any opinions on the book
24 one way or the other.

25 Q. And then how about in between that call and the Board

1 meeting, any discussion with members of the
2 administration?

3 A. No.

4 Q. Any discussions with any other Board members relating to
5 the *Of Pandas* book and upcoming vote?

6 A. Obviously, I talked to Sheila Thursday. I think Casey
7 -- anyway, that is her department, not mine. Me, I
8 don't recall. I don't recall; although, I might have.
9 I just don't know.

10 Q. Get into the meeting.

11 A. We get to the meeting. Bill makes the motion to buy the
12 book *Biology*, the textbook that was laced with
13 Darwinism. And Jane Cleaver was not there so we only
14 had eight members.

15 He makes the motion. I am figuring -- I am still
16 back in Bill gave his word. Bill votes no. Sheila
17 Harkins votes no. Angie Yingling votes no, and Heather
18 Geesey votes no. And, of course, Alan Bonsell, Casey,
19 Noel and I voted yes. The motion fails. It is a 4-4
20 tie.

21 I am like oh, my -- because we are already passed
22 our deadline. I mean nobody is going to sweat two days.
23 But that said, we shouldn't be playing games. We are
24 already passed the deadline. I am totally what is going
25 on here?

1 I am sitting next to Sheila, and she is voting no.
2 That doesn't surprise me because Sheila never wants to
3 buy any books, anyway. I am not shocked. Angie is just
4 as tight as -- those two don't shock me.

5 What I am really stunned is Bill. Bill said he
6 would buy the doggone thing. And I am just in this
7 state of disbelief and shock.

8 And then Bill drops his bombshell. I have five
9 votes to buy the book *Of Pandas and People* as a
10 supplemental text, but it takes six votes to buy
11 anything without administrative recommendation. What
12 does this have to do with the price of eggs? We are
13 talking about biology. I am not still not with him.

14 When Jane Cleaver returns, I am going to make a
15 second motion. The first motion I will make is that we
16 will buy the back *Of Pandas and People*. If it fails to
17 get six votes, we will continue to oppose buying
18 *Biology*. If it gets six votes, I am willing to release
19 my votes to buy the book *Biology*.

20 I, at that point according to Angie Yingling I
21 went white. Bill and I began the first of our truly
22 heated exchanges which would continue right up until I
23 resigned.

24 I got about as scathingly sarcastic as I am
25 capable of doing and asked him and if we would happen to